United Nations A/73/258

General Assembly

Distr.: General
26 July 2018

Original: English

**Seventy-third session**
Item 20 of the provisional agenda*
**Sustainable development**

# Entrepreneurship for Sustainable Development

## Report of the Secretary-General

*Summary*

The United Nations Conference on Trade and Development (UNCTAD) prepared the present report in cooperation with the Department of Economic and Social Affairs to review progress made in the implementation of General Assembly resolution 71/221 on entrepreneurship for sustainable development since its adoption in December 2016. The report includes discussion of best practices and initiatives taken to support entrepreneurship at the national, regional and international levels, including with regard to the identification, formulation, implementation and assessment of coherent policy measures on entrepreneurship and the promotion of micro-, small and medium-sized enterprises. There is a special focus on policies aimed at promoting social entrepreneurship in recognition of its role in creating alternative sustainable models of production, finance and consumption to respond to social, economic and environmental issues, particularly in the context of the 2030 Agenda for Sustainable Development. Tools to monitor progress in the implementation of entrepreneurship policies are also discussed and the report highlights the importance of indicators to measure the impact of entrepreneurship policies on economic development and the implementation of the Sustainable Development Goals.

* A/73/150.

18-12367 (E) 030818

Please recycle

# Contents


| | | Page |
|---|---|---|
| I. | Introduction | 3 |
| II. | Best practices on the implementation of entrepreneurship policies | 3 |
| III. | Promoting entrepreneurship at the regional and city levels | 11 |
| IV. | Promoting social entrepreneurship and the social economy | 12 |
| V. | Impact of entrepreneurship policies on the Sustainable Development Goals | 15 |
| VI. | Conclusions | 19 |
| | Annex | 21 |

# I. Introduction

1. The General Assembly adopted resolution 71/221 on entrepreneurship for sustainable development on 21 December 2016. Under the resolution, the General Assembly recognizes the important contribution entrepreneurship makes to sustainable development by creating jobs and driving economic growth and innovation, improving social conditions and addressing social and environmental challenges in the context of the 2030 Agenda for Sustainable Development. The need for a comprehensive and holistic approach to entrepreneurship that includes long-term and cross-sectoral strategies is stressed in the resolution.

2. As requested, the Secretary-General submits the present report to the General Assembly at its seventy-third session on the progress made in implementing resolution 71/221 since its adoption. Chapter II illustrates good practices in the formulation and implementation of entrepreneurship policies. Chapter III highlights the emergence of initiatives aimed at promoting regional cooperation and enhancing the effectiveness of entrepreneurial ecosystems at the city level. Chapter IV focuses on initiatives and best practices regarding policy measures to promote social entrepreneurship and chapter V highlights the importance of tools to monitor progress on policy implementation and of indicators to measure the impact of entrepreneurship policies on economic growth and the implementation of the Sustainable Development Goals.

# II. Best practices on the implementation of entrepreneurship policies

3. This chapter provides references to best practices in the formulation and implementation of entrepreneurship policies. It is structured according to the six pillars of the Entrepreneurship Policy Framework of the United Nations Conference on Trade and Development (UNCTAD).

4. Since 2016, the Governments of several countries have made efforts to design and implement entrepreneurship policies as a part of their national economic development strategies. Positive steps have been made towards a more integrated approach to entrepreneurship, building on the links between the regulatory framework, education, technology and innovation, access to finance and awareness-raising.

5. One significant trend has been the enhanced policymaking cooperation on micro-, small and medium-sized enterprises (MSMEs) and entrepreneurship development at a global level. In particular, the following international ministerial activities have taken place since 2016:

- UNCTAD facilitated a global high-level policy dialogue on the promotion of entrepreneurship at its World Investment Forum in Nairobi in 2016. The dialogue will be further enhanced at the next Forum, which will take place in Geneva in October 2018. The ministerial round tables on entrepreneurship at the Forum are aimed at sharing best practices on building a competitive micro-, small and medium-sized enterprises sector to develop local supply capacity, create jobs and promote sustainable and inclusive investment. The round table in 2018 will focus on the role of entrepreneurship in achieving the Sustainable Development Goals and, in particular, Goal 9, to build resilient infrastructure, promote inclusive and sustainable industrialization and foster innovation.
- At the Organization for Economic Cooperation and Development (OECD) Ministerial Conference on SMEs (small and medium-sized enterprises), which

took place in Mexico City in February 2018, the Declaration on Strengthening SMEs and Entrepreneurship for Productivity and Inclusive Growth was adopted. The Declaration, which was signed by 55 countries and the European Union, contains a call for the creation of favourable conditions, including through effective and innovative policies or regulation, for businesses to start, grow and thrive in established and emerging sectors, including through collaborative practices.[1]

- The Startup Nations Ministerial conference was organized by the Global Entrepreneurship Network in April 2018 in Istanbul. In a joint declaration, signed by 15 countries and the European Union, participants confirmed the imperative need for a high-level dialogue between policy leaders and entrepreneurship policy experts about how public-sector agencies can encourage entrepreneurial growth and the emergence of high-growth firms.

6. Pursuant to resolution 71/221, UNCTAD continued to provide support to Member States, where requested, on the formulation and implementation of entrepreneurship policy measures and the promotion of micro-, small and medium-sized enterprises. Those activities were based on the Entrepreneurship Policy Framework and carried out together with development partners (see box 1).

Box 1

**Countries that have adopted the Entrepreneurship Policy Framework in their national strategy**

**Cameroon**. The Government of Cameroon, with the support of the International Organization of la Francophonie, has begun developing an entrepreneurship strategy, with a focus on women and youth.

**Dominican Republic**. With the adoption of its national entrepreneurship strategy, the Government has promoted the creation of a national entrepreneurship network to support micro-, small and medium-sized enterprises and the enactment of legislation on entrepreneurship. Entrepreneurs have access to micro-, small and medium-sized enterprise centres, which provide advice on how to execute ideas, assistance in preparing financing plans and help with digital and technological tools.

**Ecuador**. Under its national strategy, Ecuador seeks to become one of the most attractive countries in Latin America in which to start and grow a business and thereby to generate new enterprises with export potential, decent jobs and more opportunities for Ecuadorians and for economic growth and development. The strategy accords high priority to innovation, market access and entrepreneurship education and skills development, proposes investment in human resources and technology development and favours local absorptive capacity. Under the related action plan, more than 150 public and private-sector partnerships have been mobilized.

**Ethiopia**. UNCTAD and the United Nations Industrial Development Organization (UNIDO) are helping the Government of Ethiopia to formulate a national entrepreneurship strategy to increase self-employment opportunities for young people and women.

[1] OECD, "Strengthening SMEs and entrepreneurship for productivity and inclusive growth". Key issues paper (Mexico City, 23 February 2018).

**Gambia**. The entrepreneurship policy adopted in 2017 aims to remove obstacles and burdensome requirements that hamper business operations, to upgrade entrepreneurship education and skills, to facilitate access to finance and to support new businesses that use innovation and technology to meet environmental challenges. The policy also aims to promote an entrepreneurial spirit and address cultural biases, including on gender, with a focus on the status of women entrepreneurs and those from other disadvantaged groups. Most initiatives will be in partnership with the private sector, coordinated by the Gambia Investment and Export Promotion Agency.

**United Republic of Tanzania**. In line with the National Development Vision, the Government formulated an inclusive national entrepreneurship strategy in 2017, which aims to achieve economic empowerment and effective participation in social progress of all. It integrates all key areas for promoting entrepreneurship and seeks results for all, including young people, women, the elderly, persons with disabilities and members of other marginalized groups. It focuses on innovative, high-tech and high-growth start-ups, with targets for small and medium-sized enterprises in different stages of their business life cycle.

*Source*: UNCTAD.

7. One important aspect of the growing role of entrepreneurship policies is linked to the recent proliferation of industrial policies. A global survey of industrial policies by UNCTAD shows that, since 2013 alone, at least 84 countries, developed and developing and accounting for around 90 per cent of global gross domestic product (GDP), have adopted formal industrial policies.[2] A key driver for the modernization of industrial policies has been the adoption in many developing countries of policies to promote the global value chain. Improving the participation of local suppliers in the value chain requires timely and quality delivery within it and appropriate regulatory mechanisms. That, in turn, requires policies to improve the competitiveness of local firms and help them to engage in activities with greater value added.

8. In that regard, one recent example of good practice is cooperation between UNCTAD and UNIDO on the latter's Youth and Women Entrepreneurship Promotion project in Ethiopia. The project is aimed at supporting the country's industrialization process by building the capacity of government implementing agencies and aligning various initiatives and actors with regard to entrepreneurship development. UNCTAD is providing its Entrepreneurship Policy Framework methodology to develop the national entrepreneurship strategy, which will complement the country's industrial policies.

9. An important emerging target group for the development and implementation of entrepreneurship policies is that of migrants and refugees. UNCTAD, in conjunction with the International Organization for Migration and the Office of the United Nations High Commissioner for Refugees, is developing a policy guide to provide a high-level framework for policies and programmes to support migrant and refugee entrepreneurship. The objective is to facilitate the socioeconomic inclusion of migrants and refugees and to maximize their contribution to home and host economies through entrepreneurial activities. ILO has also adapted its entrepreneurship tools to the needs of those groups.[3]

[2] See *World Investment Report 2018: Investment and New Industrial Policies*, United Nations publication, Sales No. E.18.II.D.4.

[3] See https://www.ilo.org/empent/Projects/refugee-livelihoods/lang--en/index.htm.

**Optimizing the regulatory framework**

10. Activities have been carried out to promote regulatory reforms that foster the long-term growth of micro-, small and medium-sized enterprises, including by building on the advantages of digitalization to improve transparency and fast-track business procedures. The following initiatives can be highlighted:

- Mauritius and Rwanda have introduced bold measures to improve regulations for start-ups, including: regulatory sandboxes; visa simplification; one-stop shops for business establishment and e-registration.
- The Latin American entrepreneurs association (ASELA) has brought together the national associations of Argentina, Chile, Colombia, Mexico and Peru and encouraged those countries to share experiences and introduce reforms, such as laws introduced in Chile and Mexico to enable people to start a business in a single day.
- The UNCTAD e-regulations system helps Governments to improve the transparency and efficiency of administrative procedures and governance. It has implemented 55 iterations of its online business facilitation platforms across 30 countries, encompassing more than 4,000 documented procedures and generating an 80 per cent average reduction in the necessary administrative steps, forms and documents in beneficiary countries.[4]
- The Global Enterprise Registration portal, which was jointly developed by UNCTAD and the Global Entrepreneurship Network, is designed to simplify administrative procedures on a global scale, starting with business registration online.

11. In some instances, the private sector has taken the lead in organizing policy hackathons [5] to proactively deal with constraints identified in the business environment. For example, Global Start-up Nations policy hacks were held in 2018 in Estonia, Rwanda and South Africa; i4Policy and Global Entrepreneurship Network Africa have conducted several policy hacks that have led to action plans to promote entrepreneurship, boosting the impact of public policies.

12. The importance of developing and implementing policies and programmes to support women entrepreneurs is highlighted in resolution 71/221. Efforts continue to address administrative barriers and remove restrictions that deter women from engaging in business, and thereby to facilitate gender equality and contribute to higher female participation in the formal labour force and greater income equality. Recent and ongoing initiatives focusing on women's economic empowerment and equal rights include:

- The High-level Panel on Women's Economic Empowerment was convened by the Secretary-General in 2017. In its first report, the panel tackled systemic constraints leading to persistent gaps in terms of economic opportunities for women. It mapped seven drivers of change to overcome those constraints, along with recommendations for action.[6]
- The Gender Equality Advisory Council for the Canadian presidency in 2018 of the Group of Seven (G7) countries recommended that leaders of those countries promote, and encourage the private sector to adopt, the Women's Empowerment

[4] https://businessfacilitation.org/views/tools/eregulations/index.php.

[5] A brainchild of the technology sector, policy hackathons bring together stakeholders interested in a challenge. Starting with a short presentation, they see how far they can move towards finding a viable policy solution on a tight schedule.

[6] High-level Panel on Women's Economic Empowerment, *Leave No One Behind: A Call to Action for Gender Equality and Women's Economic Empowerment* (2016).

Principles of the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), require annual reporting on the percentage of women and men on boards and in leadership positions and set a binding series of dates for achieving gender parity by 2030.

- Women20 (W20) is a transnational network of women's organizations, female entrepreneurs' associations and think tanks striving to promote women's economic empowerment as an integral part of the work of the Group of 20 (G20).
- Gender and Entrepreneurship Together (GET Ahead for Women in Enterprise) is a skills training programme of the International Labour Organization (ILO) that targets women entrepreneurs.[7] It falls within the comprehensive framework of the ILO Women's Entrepreneurship Development Programme.
- The SheTrades initiative of the International Trade Centre (ITC) aims to connect one million women entrepreneurs around the world to markets by 2020.
- The UNCTAD Empretec Women in Business Award is presented every two years to women trained by national Empretec centres to recognize best practices in women entrepreneurship. The next award ceremony will take place in Geneva, Switzerland, in October 2018.
- UN-Women, together with the European Union and ILO, runs the We Empower programme, which aims to create an enabling environment in which the active engagement of the corporate sector blends with public policies led by the G7 countries. In 2017, UN-Women launched the annual EQUALs in Tech Awards and, in March 2018, convened the annual Women's Empowerment Principles Forum. Another flagship initiative is the Stimulating Equal Opportunities for Women Entrepreneurs programme.

**Enhancing education and skills development**

13. Entrepreneurship education is critical for strengthening skills development. Examples include:

- The ILO Start and Improve your Business and Know about Business programmes and, in Africa, the Tony Elumelu Foundation Entrepreneurship Programme have proven to be effective tools for developing entrepreneurial skills globally.
- UNCTAD has expanded its flagship Empretec programme for facilitating entrepreneurship skills to new countries: in Kenya, it was launched in 2017 with the support of the Ministry of Industry, Trade and Cooperatives; in Cameroon, it was launched in 2016 with the support of the Ministry of Small and Medium Sized Enterprises, Social Economy and Handicrafts; in Angola, the programme was launched in August 2018 as a key component of the Train for Trade II programme, which is financed by the European Union and aims to improve human and institutional capacities to foster appropriate economic diversification policies in the country.[8]

[7] http://www.ilo.org/empent/Publications/WCMS_116100/lang--en/index.htm.

[8] Components selected by the Government for this project include: trade policy and negotiations (commercial diplomacy); trade facilitation; logistics; small and medium-sized enterprise development; export promotion and trade finance; scoping non-oil trade opportunities and diversification; and creative industries.

- The European Union Entrepreneurship Competence Framework (EntreComp) is designed to develop 15 competences in an 8-level progression model and proposes a comprehensive list of 442 learning outcomes. The framework can be used as a basis for entrepreneurship curricula and learning activities.
- UN-Women is developing a virtual skills school to train women entrepreneurs.

**Improving access to finance**

14. Many Governments have engaged in initiatives to tap new forms of financing, such as blended finance and crowdfunding, including in collaboration with the private sector, as well as tax incentives. Selected practices include:

- The Small Enterprise Finance Agency in South Africa helps to facilitate funding without collateral where loans are intended for purchasing equipment.
- In Africa, GroFin provides small and medium-sized enterprises with growth finance and access to value chains and has had measurable success in reducing the mortality rate of such businesses.
- Start-up Chile contributed some $40 million to 1,300 promising businesses from nearly 80 countries between 2010 and 2016, generating roughly 1,600 jobs and $100 million in external funding. It has become the central convening force for a national entrepreneurial movement and received international plaudits.
- In Mexico, the National Entrepreneurship Institute, which has been in operation since 2013, has effectively promoted early-stage start-ups and helped as many as 620,000 micro-, small and medium-sized businesses, leading to the launch of some 6,000 new companies and to the creation of 73,000 new jobs.
- In Argentina, legislation on entrepreneurs that was passed in March 2017 facilitates the growth of start-ups by introducing measures such as tax breaks and incentives for individuals, corporations and institutional investors.
- In Armenia, a revolving fund set up by the Government and the VTB Armenia Bank, supported by UNIDO and the Government of Austria, facilitates access to finance for young entrepreneurs.

15. One way of improving access to finance for micro-, small and medium-sized firms is by facilitating investment, including impact investment. The Global Sustainable Investment Alliance, which brings together the seven largest sustainable investment membership organizations in the world, defines impact or community investing as "targeted investments, typically made in private markets, aimed at solving social or environmental problems, and including community investing, where capital is specifically directed to traditionally underserved individuals or communities, as well as financing that is provided to businesses with a clear social or environmental purpose". Impact investing often includes the microfinance industry. Globally, assets under management of impact and community investment increased from $101 billion in 2014 to $248 billion in 2016, representing growth of 146 per cent growth.[9]

16. Venture capital investment in sustainable sectors is another way of financing entrepreneurship promotion focusing on start-ups. According to OECD, "Venture capital is made up by the sum of early stage (including pre-seed, seed, start-up and other early stage) and later stage venture capital".[10] The OECD entrepreneurship

[9] Global Sustainable Investment Alliance, *Global Sustainable Investment Alliance Review 2016*.
[10] OECD, *Entrepreneurship at a Glance 2017* (Paris: OECD Publishing, 2017).

financing database provides data on venture capital, albeit without sectoral breakdown and only for OECD countries.

17. In South Africa, the African Investing for Impact Barometer, published by the Bertha Centre for Social Innovation and Entrepreneurship at Cape Town University, surveys the range of investment seeking to integrate financial returns and positive impact on society and the environment and shows the diversity and importance of different sustainable finance strategies.[11]

18. Ad hoc studies mapping the state of impact investing in Latin America show that the industry grew by 12 times between 2008 and 2013. There has been a shift from international to local financial firms. According to the Aspen Network of Development Entrepreneurs, the available capital for impact investing amounts to $2.3 billion, $1.2 billion of which is managed by firms with headquarters in the region. The top priority sectors are financial inclusion, agriculture, education and health.[12]

19. Improving financial literacy is important for facilitating access to financial services for micro-, small and medium-sized enterprises. Two regional workshops on accounting and insurance for small and medium-sized enterprises were organized by UNCTAD in collaboration with a number of national key partners in Colombia (2016) and Kenya (2017). Their objective was to facilitate policymaking to enhance the ability of such firms to produce and submit accounting statements to capital providers.

**Facilitating technology innovation and exchange**

20. The spread of new technologies can provide opportunities for businesses to improve their competitiveness and increase their productive capacity. Information and communications technology (ICT) has been a fundamental enabler of growth in international production and has facilitated the spread of new governance mechanisms in global value chains; it also facilitates links between national small and medium-sized enterprises and multinational enterprises, thereby enhancing access to global markets.[13]

21. Countries have continued their efforts in support of technology exchange and transfer, innovation and capacity-building programmes:

- In Estonia, the entrepreneurship growth strategy for the period 2014–2020 focuses on increasing productivity, stimulating entrepreneurship and encouraging innovation, particularly in the areas of health technology and high technology.
- In Tunisia, the law on start-ups enacted in 2018 puts science and technology at the heart of a strategy aimed at diversifying the economy beyond the traditional sectors of agriculture and tourism.
- In Peru, the National Science, Technology and Innovation Council held a competition in 2018 to promote research-based start-ups.

[11] See www.gsb.uct.ac.za/impact-barometer-5.

[12] André Leme, Fernando Martins and Kusi Hornberger, *The State of Impact Investment in Latin America* (Bain and Company, 2014) and Aspen Network of Development Entrepreneurs, Latin American Private Equity and Venture Capital Association and LGT Impact Futures, *The Impact Investing Landscape in Latin America* (2016).

[13] *World Investment Report 2018: Investment and the Digital Economy*, United Nations publication, Sales No. E.17.II.D.3.

- In the Arab region, MIT Enterprise Forum Pan Arab identified key start-ups using ICT for product development through its Arab Start-Up Competition, which was held in 2017.
- Since the UNCTAD eTrade for All initiative went online in April 2017, its list of partners has grown to 29. It is being implemented in developing countries to foster growth driven by e-commerce.[14]

**Promoting awareness and networking**

22. Recent and ongoing initiatives highlighting the contribution of entrepreneurs to economic growth and the implementation of the Sustainable Development Goals include:

- Global Entrepreneurship Week 2017, which involved more than 8.6 million people in 164 countries with the help of more than 17,000 partners.
- A forum hosted by the International Council for Small Businesses on 12 May 2018 at United Nations Headquarters in New York, in partnership with the Permanent Missions of Argentina and the Republic of Korea to the United Nations. The Forum, which had more than 400 attendants, focused on the theme of creating a shared value for entrepreneurs and micro-, small and medium-sized enterprises in the framework of the Sustainable Development Goals.
- The #Accelerate2030 platform, which was launched by the United Nations Development Programme (UNDP) and Impact Hub and which is aimed at supporting and promoting the most promising impact-driven ventures across the globe. It focused on achieving the Sustainable Development Goals.
- General Assembly resolution 71/279 of 2017, in which 27 June was proclaimed Micro-, Small and Medium-sized Enterprises Day. The aim of the resolution is to raise public awareness of the contribution made by such businesses to sustainable development and to encourage global United Nations initiatives in the area.

23. Initiatives have been launched to promote awareness among young people of the importance of entrepreneurial skills in enhancing their employability (see box 2). The Inter-Agency Network on Youth Development, which seeks to strengthen cooperation between United Nations entities on youth issues, has established a system-wide action plan as a roadmap for youth development.

24. Launched by UNCTAD and the Alibaba Business School in 2016, the eFounders Initiative was set up to help small businesses. In 2017, UNCTAD joined the World Intellectual Property Organization, the Politecnico di Milano, Youth Business International and Impact Hub Geneva to launch Start-ups for SDGs, a yearly pitching event supported by impact investors and sustainable finance experts. Every two years, UNCTAD also organizes a youth forum. It will next be held in October 2018 as part of the World Investment Forum (WIF) with a theme entitled "Youth Entrepreneurship: A Force Towards Inclusive and Sustainable Growth".

[14] http://unctad.org/en/Pages/DTL/STI_and_ICTs/eTrade-for-All.aspx.

Box 2
**Youth entrepreneurship initiatives**

- Youth Business International is a global network of non-profit initiatives operating in more than 50 countries that helps young people to start and grow their businesses. In 2017, it helped 14,406 young people to start their businesses and trained 200,000 more.
- Child and Youth Finance International aims to empower young people by boosting their financial capabilities and facilitating access to appropriate financial services. In 2017, the network's Global Money Week initiative reached 7.8 million children in 137 countries with around 73,000 activities involving 23,700 organizations.
- Junior Achievement is the world's largest non-profit youth organization dedicated to educating students about workforce readiness, entrepreneurship and financial literacy. Through its network of 383,000 volunteers, it conducted more than 400,000 classes for some 10.8 million students around the world in 2017.
- Through its productive work for youth initiative, UNIDO addresses policy, builds the capacity of institutions and entrepreneurs and targets strategic industrial sectors with high growth and job creation potential.
- The Global Initiative on Decent Jobs for Youth is an overarching and inclusive multi-stakeholder partnership that seeks to scale up action on youth employment under the 2030 Agenda. The thematic priority on youth entrepreneurship and self-employment is co-led by ILO, ITC, the United Nations Capital Development Fund, UNCTAD and UNIDO.
- The ITC Trade Accelerator offers a range of services to start-ups owned by young entrepreneurs, connecting them to international markets.

## III. Promoting entrepreneurship at the regional and city levels

25. Entrepreneurship is a crucial element in fostering regional economic cooperation. Initiatives at the regional level to discuss priority reforms include:

26. **Latin America**. In November 2016, UNCTAD joined the Empretec Argentina Foundation, the Ministry of Production of Argentina and Prodem in organizing a regional workshop on the implementation of entrepreneurship policies. Final recommendations included: the simplification of administrative procedures to create new enterprises; the creation of a single visa requirement for entrepreneurs travelling in the region; regionally oriented support for start-ups working on environmental and social impact issues; the formation of regional support or mentorship networks, the creation of a regional fund for entrepreneurship or a common investment fund; and the establishment of a regional platform to measure the impact of entrepreneurship policies. Super hubs have been created in Brazil, Chile, Colombia and Mexico, bringing together recently established high-impact businesses, seed funds, corporate implants and services for entrepreneurs.

27. **Africa**. In March 2017, a ministerial round table for African States on the role of small and medium-sized enterprises in the industrialization of Africa was organized by UNCTAD and the Department of Trade and Industry of South Africa during the Global Entrepreneurship Congress. Ministers from Cameroon, Mali, Nigeria and Uganda, as well as other senior policymakers from African countries and the New Partnership for Africa's Development, discussed the role of entrepreneurship in meeting the goals of the Agenda 2063 of the African Union and the 2030 Agenda and

how to enhance the impact of entrepreneurship policies and practices through regional cooperation. In November 2017, UNCTAD and the Rwanda Development Board convened a meeting of several countries to identify policies impeding progress in Africa. Participants stressed the role of the digital economy in enhancing access to the global market and driving innovation for micro-, small and medium-sized enterprises. In that regard, the 22 On Sloane start-up campus in South Africa, which is co-organized by Kenya and Nigeria and has continental reach, and similar initiatives are creating an environment conducive to the empowerment of young African entrepreneurs.

28. **Asia**. The ASEAN Economic Community has increased its focus on supporting women's entrepreneurship, in particular in the context of the ASEAN strategic action plan for the development of small and medium-sized enterprises for the period 2016–2025. At a meeting held on 16 May 2017 in Kuala Terengganu, Malaysia, the ASEAN Coordinating Committee on Micro-, Small and Medium-sized Enterprises discussed recommendations on a broad range of policies aimed at reducing the costs of formalization, increasing its benefits and removing legislation that impedes women's access to more advanced sectors of the economy.

29. **Middle East**. The RiseUp summit, one of the key entrepreneurship events in the Middle East and North Africa region, was held in 2017 for the fifth year. Participants recommended several regulatory reforms needed in the region, taking their cue from the United Arab Emirates and its leading economic centre, Dubai. Efforts are being made to set up a mature angel-to-venture capital pipeline to encourage the region's start-ups to grow globally.

30. Parallel to enhanced regional cooperation on the design of entrepreneurship policies, initiatives have been launched to map the entrepreneurial ecosystems of cities, municipalities and communities, with a view to fostering an enabling environment for local business, which directly and indirectly affects entrepreneurial success and impact:

- Endeavor, MaRs, Nesta and the World Bank have conducted an ecosystem mapping project in more than 25 cities worldwide.
- In 2018, the Aspen Network of Development Entrepreneurs released entrepreneurial ecosystem snapshots of Lagos and Abuja (Nigeria) and Accra (Ghana) and started a mapping exercise in Kampala (Uganda).
- In Canada, the Startup Ecosystem Strategy for Toronto is a blueprint for fulfilling the ambitions of that city to become the start-up capital of the world.
- In Colombia, the city of Manizales has launched, in partnership with Babson College, an initiative to instil a spirit of entrepreneurship in local indigenous communities.
- In Ecuador, the city of Guayaquil, building on cooperation with the Guayaquil Emprende entrepreneurship centre and with the support of UNCTAD, has developed an entrepreneurship strategy.

## IV. Promoting social entrepreneurship and the social economy

31. Social entrepreneurship is an important factor in achieving the Sustainable Development Goals, as it provides efficient, innovative, sustainable and financially viable solutions to social and environmental problems. Social enterprises represent a new way of doing business. They prioritize a purpose, embedded in social and environmental objectives, as much as profit-making and, by doing so, become agents

of change, fostering inclusive growth and societal values, such as democratic governance, profit reinvestment, frugal innovation and social impact.

32. Increasingly, social enterprises are providing creative solutions that address the needs of disadvantaged groups and provide affordable services in different areas. Sustainable Development for All provides lighting to low-income households in Kenya that previously lacked electricity. Social enterprises also seek to meet pressing environmental challenges with responses such as the circular economy, which aims to maximize the use of existing assets and create new revenue streams. RREUSE, for example, is a network of social enterprises in Europe active in reuse, repair and recycling.

33. A corollary to the growing interest in social entrepreneurship is the emerging role of the social and solidarity economy, with a growing focus on cooperatives.[15] The social and solidarity economy refers to the production and sale of goods and services guided by the principles and practices of cooperation, solidarity, ethics, democratic self-management, reciprocity and democracy in economic activities.[16] In the period 2017–2018, the work of the Inter-Agency Task Force on Social and Solidarity Economy has been key in raising awareness of the role of collective action and active citizenship for the economic and political empowerment of disadvantaged or fragile groups in society, including migrants and refugees.

34. Social enterprises have different business models, which tend to reinvest most of their profits with a focus on the creation of value for their community, as well as for their stakeholders. They apply innovative, market-based solutions to address social or environmental problems.

**Increasing the international visibility and recognition of social enterprises**

35. In several countries, the social economy is becoming a public priority. Much more, however, needs to be done at all levels of public policymaking. Recent achievements include:

- In February 2017, the Executive Secretary of the Economic and Social Commission for Asia and the Pacific announced an agreement with the British Council to promote the growth of social enterprises and social impact investment across the Asia-Pacific region as a means of supporting progress on the Sustainable Development Goals.
- In 2016, the European Commission Expert Group on the social business initiative published a call for a European action plan on social enterprises and the social economy. Based on the recommendations of the expert group, the Commission decided in early 2017 to set up an informal task force, bringing together more than 20 Directorates General working on related projects.[17]
- In the African Development Bank private sector development strategy for the period 2013–2017, the significant potential of social enterprises and businesses was underlined as "an effective way of fostering social innovation, entrepreneurship and value chain development. They can also be combined with microfinance to broaden effectiveness, development impact and sustainability".

[15] United Nations, Inter-Agency Task Force on Social and Solidarity Economy, "Social and solidarity economy and the challenge of sustainable development" (June 2014).

[16] Peter Utting, "Realizing the 2030 development agenda through social and solidarity economy" (2015).

[17] See also http://ec.europa.eu/growth/sectors/social-economy/enterprises_en.

- ILO has played an important role in raising the visibility of the social and solidarity economy in policy circles in Africa through regional meetings and technical assistance in South Africa. It has also done work on facilitating financing mechanisms.
- In 2017, UNIDO launched the Entrepreneurs for Social Change (E4SC) programme in cooperation with the CRT Foundation.
- In 2017, the Council of Arab Economic Unity jointly organized a two-day seminar in Tunisia on the social and solidarity economy with the Arab Cooperative Union and the Tunisian Cooperatives Union. The seminar concluded with a recommendation to the League of Arab States to incorporate the social and solidarity economy in all of its development strategies and programmes.
- In August 2017, the social and solidarity economy was included for the first time in the agenda of the Economic and Social Council of the League of Arab States for discussion as a potential means to counter precarious work and support social integration in Arab countries. The Council referred the proposal to the Council of Arab Ministers for Social Affairs and ILO for consideration.

**Improving legal and regulatory frameworks**

36. In North America and in most European countries, laws recognizing social enterprises have helped to institutionalize them and serve as a catalyst for growth in the social economy sector.

- In the European Union, 20 of the 28 member States have a national definition of social enterprises. Recognizing them as legal entities allows them to register and start their businesses and access funding and other business support that is essential for their operations.
- In the United Kingdom of Great Britain and Northern Ireland, the community investment tax relief available to social enterprises has encouraged them to invest in poor communities.
- In Thailand, the Social Enterprise Promotion Act was passed in 2015. Under the Act, social enterprises are institutionalized, recognized as legal entities and afforded a favourable tax structure.
- In 2017, Belgium implemented social economy measures, including a reduced rate of value added tax for some social economy initiatives and a tax exemption for integration enterprises.
- In the Republic of Korea, 1,606 social enterprises were registered in the period 2007–2017 in a new certification system launched in 2007 under the Social Enterprise Promotion Act.
- In November 2016, the European Parliament issued a declaration on the social and solidarity economy (No. 0124/2016). As a result, Finland began, in 2017, to pioneer the use of social criteria in public procurement processes, a measure that has attracted international attention.
- The European Parliament is considering legislating for a social enterprises statute, under which such firms might be awarded a "European social enterprise" label.

**Facilitating access to finance**

37. Increasing resources are being channelled in to social enterprises through de-risking mechanisms and social impact investments.[18] In particular, hybrid and tailored financing have proven to be effective in supporting social purpose ventures. Hybrid finance refers to the combination of philanthropic capital and impact investment, namely to the allocation of financial resources to social ventures combining different types of risk and return profiles. Tailored financing is the process through which a venture philanthropy organization or social investor finds the most suitable financial instruments available (grant, debt, equity and hybrid financial instruments), depending on the impact, expectations of financial return and risk profile of the venture.

**Enhancing social entrepreneurship education, awareness and networking**

38. Governments are strengthening the capacity of education systems, including vocational training centres, to provide the skills and competences needed for social entrepreneurship.

- In the United Kingdom, UnLtd, a network for social enterprises, has partnered with 56 higher education institutions to embed a culture of social entrepreneurship. It offers apprenticeships aimed at exposing young people in school and university to social entrepreneurship as a viable career choice.
- At the international level, platforms such as Business Schools for Impact, an UNCTAD initiative launched in collaboration with the Global Business School Network and the Global Alliance on Management Education (CEMs) networks and top business schools around the world, are promoting sustainable development by focusing on pro-poor business solutions. Social entrepreneurship is being integrated into the curricula of business schools. UNCTAD has developed a social entrepreneurship skills methodology. Increasingly, social entrepreneurship is taught as a subject in many universities around the world.
- Ashoka, one of the world's leading organizations supporting social entrepreneurs and connecting them with each other, has developed a social enterprise toolkit, including a template financial model that can be used to model expected cash flows, potential social impact and the financing terms of hybrid financial sources.
- The European Learning for Youth in Social Entrepreneurship programme uses knowledge on social entrepreneurship training harnessed in five European countries (Croatia, Italy, Poland, Portugal and the United Kingdom) to provide an overview of different methodologies used by youth organizations, universities, local authorities, accelerators and incubators, charities, social enterprises and investors, to support young social entrepreneurs.

# V. Impact of entrepreneurship policies on the Sustainable Development Goals

39. Measuring the impact of entrepreneurship policies on sustainable development remains a challenge. The adoption of the 2030 Agenda and its monitoring indicators has made it still more important to develop and implement methodologies for data collection on the role of entrepreneurship and micro-, small and medium-sized

[18] Alessia Gianoncelli and Priscilla Boiardi, *Financing for Social Impact: The Key Role of Tailored Financing and Hybrid Finance* (European Venture Philanthropy Association, 2017).

enterprises in the implementation of the Sustainable Development Goals and their impact on sustainable and inclusive growth.

40. Entrepreneurship is directly related to Goals 4 and 8 and targets 4.4 and 8.3 include references to entrepreneurship (see table 1).

Table 1
**Entrepreneurship in the Sustainable Development Goals framework**

| *Goal* | *Target* | *Indicator* |
|---|---|---|
| Goal 4 | **Target 4.4**: By 2030, substantially increase the number of youth and adults who have relevant skills, including technical and vocational skills, for employment, decent jobs and entrepreneurship. | **Indicator 4.4.1**: Proportion of youth and adults with ICT skills, by type of skill. |
| Goal 8 | **Target 8.3**: Promote development-oriented policies that support productive activities, decent job creation, entrepreneurship, creativity and innovation, and encourage the formalization and growth of micro-, small and medium-sized enterprises, including through access to financial services. | **Indicator 8.3.1**: Proportion of informal employment in non-agriculture employment, by sex. |

41. The related indicators link entrepreneurship to ICT skills (4.4.1) and formal employment (8.3.1). Although the targets mention issues such as the number of youth and adults with entrepreneurship skills (target 4.4) or increased formalization and access to financial services for micro-, small and medium-sized enterprises (target 8.3), no indicators are proposed for monitoring progress in those areas. More consideration should be given to the contribution of entrepreneurship to sustainable development, including by developing monitoring indicators on the impact of the entrepreneurship on the implementation of the Sustainable Development Goals.

42. The results of efforts to promote entrepreneurship are visible. In Cameroon, for example, measures to promote entrepreneurship have led to more start-ups being run by young people and women, who have received priority under the Government's strategy. The e-registration portal has been extended to the country's five main cities. Between 2010 and 2017, more than 124 procedures were published online, representing more than 740 formalities, 2,000 forms or documents, 265 public agents and 90 laws, regulations or decrees. Some 11,000 entrepreneurs have been registered through MyBusiness.cm, the online registration platform implemented under the UNCTAD e-registration programme.

43. In the Gambia, the participatory process involving the various stakeholders and grassroots institutions permitted policy changes that contributed to the country's democratization process. In the United Republic of Tanzania, the newly established National Economic Empowerment Council led the way in introducing governance and institutional changes in support of inclusive entrepreneurship development. In the Dominican Republic, the public-private sector consultation mechanism introduced by UNCTAD led to the creation of pressure groups pushing for reforms. In El Salvador, the national entrepreneurship policy led to the promotion of dialogue, coordination and joint efforts at the national and local levels. In Ecuador, 36 regulatory reforms have been proposed to the Government. The adoption in that country of entrepreneurship policies contributed to the creation of 150 innovative firms between 2015 and 2017, creating more than 1,000 jobs and generating $7.3 billion in exports.

44. Initiatives are under way to collect data on small and medium-sized enterprises and entrepreneurship promotion. The Global Entrepreneurship Monitor report for 2017–2018, which covers 68 per cent of the world's population in 54 economies, estimates that entrepreneurship levels are globally stable or on the rise. According to the report, 43 per cent of the world's population saw good opportunities for starting a business within the following six months.

45. Eurostat collects data on small and medium-sized enterprises on a yearly basis. It has developed a comprehensive platform to explain the importance of the data and disseminate it.[19] The OECD Centre for Entrepreneurship, SMEs, Regions and Cities has published statistical data on entrepreneurship and small and medium-sized enterprises in various reports. In the developing world, countries such as Malaysia have made efforts to collect statistical information on small and medium-sized enterprises through regular business surveys. There remains, however, a dearth of data in least developed countries, where information is gathered only sporadically when an enterprise census is carried out. In that regard, the Integrated Business Enterprise Survey carried out on a yearly basis in Rwanda can be considered good practice.

46. Databases related to specific dimensions of entrepreneurship can provide valuable statistical evidence. The Doing Business reports of the World Bank, for example, cover aspects of the regulatory environment for start-ups and micro-, small and medium-sized enterprises. According to the World Bank, the number of documents needed to register a business decreased from 7.5 to 6.9 globally between 2014 and 2017.[20] Between 2010 and 2017, according to its Enterprise Surveys, access to finance for businesses increased at the global level: on average, 33.5 per cent of firms obtained a bank loan in that period.[21] Other indexes look at different dimensions of entrepreneurship. For example, according to the Global Entrepreneurship Index, produced by the Global Entrepreneurship and Development Institute, the global scores for start-up skills and risk acceptance reached 0.4 and 0.314 respectively in 2018.

47. Nevertheless, more needs to be done to collect high quality, accessible, timely and reliable disaggregated data in order to monitor progress in the implementation of entrepreneurship policies and their direct and indirect contribution to the achievement of the Sustainable Development Goals.

48. In its Entrepreneurship Policy Framework, UNCTAD provides a methodology for assessing progress that has been applied in eight countries. It helps policymakers to examine the status of entrepreneurship, identify gaps and consider policy priorities against the best practices outlined in the Framework. It also allows them to develop a national benchmark and to monitor, over time, progress in implementing policies for enabling entrepreneurship under the six pillars of the Framework. Scores on those pillars in three countries in which the methodology has been applied appear in figure I and reflect the varying constraints faced by different countries. The score of the components is based on detailed scores for different policy requirements in each component.

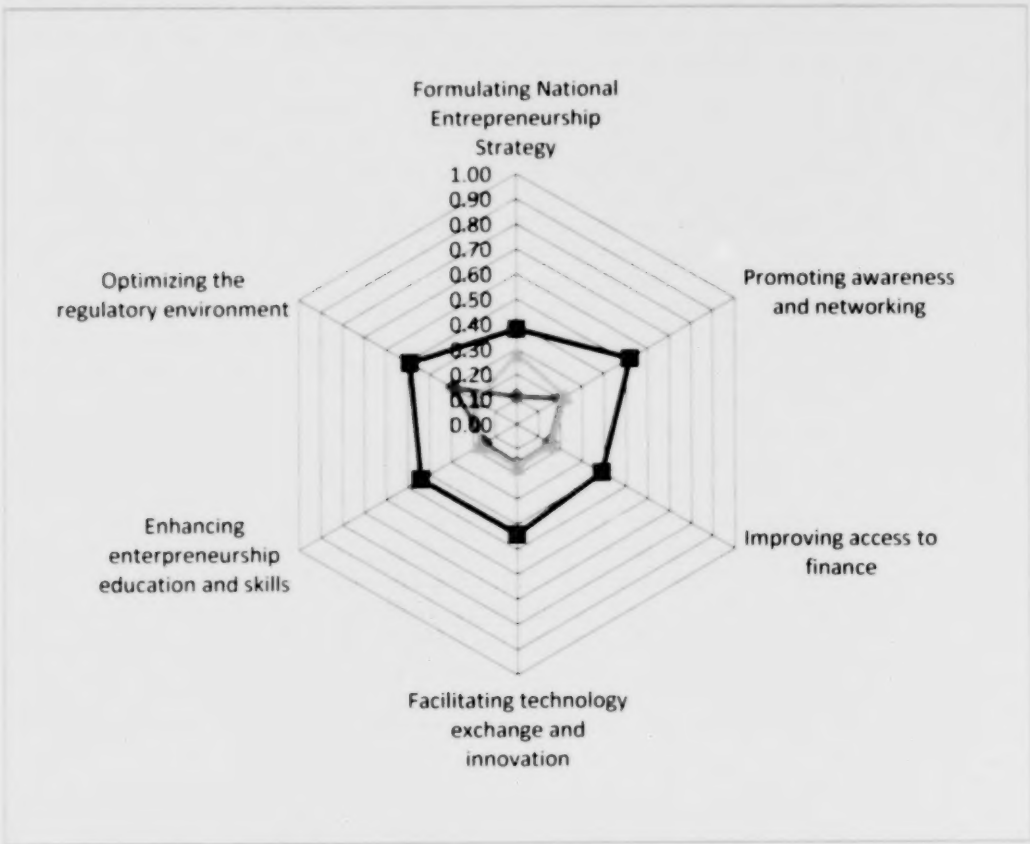
[19] http://ec.europa.eu/eurostat/web/structural-business-statistics/structural-business-statistics/sme?p_p_id=NavTreeportletprod_WAR_NavTreeportletprod_INSTANCE_vxlB58HY09rg&p_p_lifecycle=0&p_p_state=normal&p_p_mode=view&p_p_col_id=column-2&p_p_col_pos=1&p_p_col_count=4.

[20] World Bank, *Doing Business 2018: Reforming to Create Jobs* (Washington, D.C., 2018).

[21] See www.enterprisesurveys.org/data/exploretopics/finance.

Figure I

**Examples of the application of the entrepreneurial ecosystem perception scorecard in selected countries**




*Source*: UNCTAD.

49. Assessing and measuring the impact of entrepreneurship and micro-, small and medium-sized enterprises on sustainable development could be facilitated by using data reported by companies. The core indicators proposed by UNCTAD through its International Standards of Accounting and Reporting (ISAR) programme provide baseline metrics on how companies of different sizes and sectors can report on their contribution to the implementation of the Sustainable Development Goals in alignment with the macro indicators in the related areas. The indicators, which will be discussed by the Intergovernmental Working Group of Experts on International Standards of Accounting and Reporting at its thirty-fifth session from 24 to 26 October 2018 in Geneva, focus on the efforts of businesses to make rational use of resources, including water, land, energy, waste reduction and human capital. Such data could help them to monitor their costs, thereby improving profitability and contributing to the achievement of the Sustainable Development Goals at the same time. As sustainable investment becomes mainstream, small and medium-sized enterprises stand to gain in terms of financing and growth by embracing accessible frameworks for sustainability reporting, such as the core indicators proposed by UNCTAD. A preliminary selection of those indicators appears in the annex.

50. Under the United Nations Global Compact and the Global Reporting Initiative, an action platform for reporting on the Sustainable Development Goals has been

created to inform companies on best practice in corporate reporting. The first deliverable of the initiative consisted of a mapping of indicators relating to the Goals against existing reporting guidelines and frameworks, thereby providing an exhaustive compendium of avenues through which companies can report on the Goals.

## VI. Conclusions

51. Since the adoption of resolution 71/221 in 2016, countries have maintained efforts to promote entrepreneurship and the development of micro-, small and medium-sized enterprises and to enhance inclusiveness and coordination between all stakeholders. Progress in the implementation of the 2030 Agenda has further highlighted the key role that entrepreneurship plays in achieving the Sustainable Development Goals.

52. In the current biennium, the international community should continue to support the implementation of inclusive entrepreneurship policies aligned with the Sustainable Development Goals by collecting data and disseminating lessons learned from best practices. The promotion of social entrepreneurship and the social and solidarity economy should also be a priority for donors and development partners. A celebration day could be devoted to "entrepreneurs with social impact", allowing them to become role models and a reference for younger generations.

53. Experience with the practical implementation of entrepreneurship strategies and policies at the national level in several countries underlines the need to:

- Introduce measures to assess the status of entrepreneurship and progress in its promotion. Entrepreneurship may be held back by very different factors. It is important to map its status in the country and identify the main challenges and opportunities. Constraints may vary fundamentally from one country to another, even in the same region. Using best international or regional practices as benchmarks may help to pinpoint strengths and weaknesses in the development of entrepreneurship in a country. At the same time, policymakers should treat country comparisons with caution. Each country has a unique history and specific initial conditions and preferences that need to be taken into account when formulating a tailor-made strategy.

- Develop action plans, assigning responsibilities and ensuring coordination. Entrepreneurship development is a cross-cutting area and involves a range of policy actions that often fall under the responsibility of different government institutions and ministries. It is therefore important to designate a lead institution to ensure coherence and the coordination of key stakeholders. The development of an action plan, including a time frame with short, medium and long-term objectives, resource availability, monitoring mechanisms and evaluation criteria, is critical.

- Stimulate partnerships at all levels and a multi-stakeholder dialogue involving the public and private sectors, academia and relevant local, regional and national institutions. The involvement of those sectors and institutions in policy development and implementation contributes to stakeholder buy-in and spreads awareness of the benefits of entrepreneurship for society. The involvement of entrepreneurs is crucial, as they stand to gain or lose the most as a result of entrepreneurship policy. In that regard, the coordination of main players at the global level is fundamental to the creation of synergies and ensuring complementarities.

- Conduct regular reviews to assess the contribution of entrepreneurship to the achievement of the Sustainable Development Goals. Regular reviews can help policymakers and government officials to keep abreast of trends and develop and implement targeted entrepreneurship policies that are aligned with the Goals. For the periodic evaluation of policies, it is important to define measurable objectives translated into key performance indicators that can be tracked over time to flag any improvement or deterioration in the entrepreneurial ecosystem. In that regard, concerted global efforts are needed to develop a statistical indicator framework and institutional mechanisms to produce and collect data on the impact of micro-, small and medium-sized enterprises and entrepreneurship on the implementation of the Goals. Such indicators could be incorporated into the monitoring framework of the Goals, which would enable countries to provide regular voluntary reporting in this area.

## Annex

### Proposed core Sustainable Development Goal indicators for enterprise reporting on environmental issues that could be relevant to small and medium-sized enterprises

| *Indicators* | *Definitions* | *Sustainable Development Goal Targets Indicators* |
|---|---|---|
| Green investment | Investment that can be considered directly or indirectly positive for the environment | 7.B.1 |
| Water recycling | Total volume of water that a reporting entity recycles or reuses during the reporting period | 6.3.1 |
| Water-use efficiency | Change in water consumption per net value added in the reporting period | 6.4.1 |
| Reduction of waste generation | Change in the enterprise's waste generation per net value added | 12.5 |
| Waste recycling | Percentage of recycled input materials used to manufacture the enterprise's primary products and services | 12.5.1 |
| Greenhouse gas emissions | Direct greenhouse gas emissions per unit of net value added | 9.4.1 |
| Renewable energy | Consumption of renewable energy as a percentage of its total energy consumption during the reporting period | 7.2.1 |
| Energy efficiency | Energy consumption divided by net value added | 7.3.1 |

*Source*: UNCTAD.

**Proposed core Sustainable Development Goal indicators for enterprise reporting on social issues that could be relevant to small and medium-sized enterprises**

| *Indicators* | *Definitions* | *Sustainable Development Goal Indicators* |
|---|---|---|
| Community investment | Community investment refers to charitable donations and investment of funds in the broader community, where the target beneficiaries are external to the enterprise | 17.17.1 |
| Proportion of women in managerial positions | Number of women in managerial positions divided by the total number of employees | 5.5.2 |
| Average hours of training per year per employee, broken down by employee category | Activity that includes all types of vocational training and instruction, paid educational leave provided by the reporting entity for its employees, training or education pursued externally and paid for in whole or in part by the reporting entity and training on specific topics such as health and safety | 4.3.1 |
| Expenditure on employee health and safety | Total cost of employee health and safety, in monetary units, by adding up the figures obtained from costs of occupational safety and health-related insurance programmes, the cost to the enterprise of health-care activities financed directly by the enterprise, and costs incurred by the enterprise on working environment issues related to occupational safety and health | 3.8 |

*Source*: UNCTAD.

United Nations A/73/259

General Assembly

Distr.: General
26 July 2018

Original: English

**Seventy-third session**
Item 104 of the provisional agenda*
**Review of the implementation of the recommendations and decisions adopted by the General Assembly at its tenth special session**

# Work of the Advisory Board on Disarmament Matters

## Report of the Secretary-General

*Summary*

At its sixty-ninth and seventieth sessions, the Advisory Board on Disarmament Matters dealt with the following substantive items: strategic priorities for the Secretary-General on disarmament and non-proliferation; and current developments in science and technology and their potential impact on international security and disarmament. Consideration of those topics informed the development of the Secretary-General's Agenda for Disarmament, entitled "Securing Our Common Future". The work of the Board, which began in January 2018, was part of a multi-step process that included consultations with Member States, academia and non-governmental organizations.

The Board expressed full and unreserved support for the Agenda and commended the Secretary-General for setting out a clear and strategic path for addressing current challenges and defending gains made in the field of disarmament and non-proliferation.

The Board commended the Secretary-General for choosing to launch the Agenda at an institution of higher learning, thus speaking to the role of young people in disarmament efforts.

The Board praised the Agenda for being comprehensive and balanced, with a focus on reducing and eliminating the threats posed by weapons of mass destruction ("Disarmament to save humanity"), alleviating and mitigating the devastating harm to civilians caused by weapons designed for the battlefield ("Disarmament that saves lives"), and calling for vigilance concerning new and emerging technologies that bring benefits but also risks to the security of future generations ("Disarmament for future generations"). The Board noted that the broad scope of the Agenda addressed the concerns of all Member States, no matter their disarmament and non-proliferation priorities.

* A/73/150.

18-12450 (E) 140818

Please recycle

In its deliberations on "Disarmament to save humanity", concerning weapons of mass destruction and other strategic weapons, the Board reaffirmed that nuclear weapons posed a continuing existential threat to the world. States must work together to take specific and irreversible steps to prepare for a world free of nuclear weapons. That includes reinvigorating global arms control, disarmament and non-proliferation processes; making the nuclear test ban permanent; developing approaches for nuclear disarmament verification; and ending the production of fissile material for use in weapons. The Board also strongly welcomed the emphasis of the Agenda on dialogue and actions to reduce the risk of any use of nuclear weapons, within the Agenda's overall goal of a world free of nuclear weapons.

The Board emphasized the importance of the upcoming 2020 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons. It welcomed the Secretary-General's readiness, as affirmed in the Agenda, to use his good offices with all States parties to contribute to a successful outcome. It also welcomed the Secretary-General's commitment to encouraging wider dialogue among States to support the Agenda's goals in that area.

The Board further affirmed the need to halt any use of chemical weapons by ensuring accountability and ending impunity.

The Board also highlighted that preventing the emergence and potential deployment of new and destabilizing strategic weapons, including in outer space, remained vital for the preservation of international stability.

In its deliberations on "Disarmament that saves lives", the Board noted that armed conflicts using conventional weapons were growing more deadly, destructive and complex, not only because of the overaccumulation and wide availability of small arms and light weapons and their ammunition, but also because of the use of explosive weapons in populated areas and improvised explosive devices, as well as the emergence of new technologies, such as armed drones.

The Board welcomed the assessment in the Agenda that international approaches to regulate arms needed to be brought in line with the magnitude of those problems and integrated into broader work for prevention and sustainable development. Furthermore, it agreed with the findings that a new approach was required to support action at the country level to end the illicit trade in small arms and their ammunition; that enhanced implementation of measures to ensure the security and physical protection of excessive and poorly maintained stockpiles was needed; and that new cooperation and dialogue must be fostered to reduce military spending and build confidence among States.

The Board considered the issue of explosive weapons in populated areas, which was identified as a leading concern in the Agenda. Weapons designed for use in open battlefields (such as artillery, rockets and mortars, large air-dropped bombs and surface-to-surface ballistic missiles) are increasingly being used in populated areas, which is having a devastating effect on civilian populations and infrastructure and has become a staggering humanitarian problem. The Board noted that, despite restraints proscribed by international humanitarian law, the impact of explosive weapons on civilians had grown substantially.

On the matter of "Disarmament for future generations", in which emerging means and methods of warfare were examined, the Board noted that, while technology provided overwhelming benefits, new technologies in the area of weapons posed challenges to existing legal, humanitarian and ethical norms, non-proliferation, international stability, and peace and security. Furthermore, in the face of the growing automation of weaponry, new measures were necessary to ensure that humans always maintained control over the use of force. A culture of accountability and adherence to

norms, rules and principles must be fostered to ensure responsible behaviour in cyberspace, and additional steps needed to be taken to encourage responsible innovation by industry, engineers and scientists.

Lastly, on the issue of "Strengthening partnerships for disarmament", the Board noted that disarmament initiatives had been most successful when they involved effective partnerships between Governments, the expert community, the private sector and civil society. The existing multilateral disarmament institutions needed to be reinvigorated and better utilized, both through increased political will and by improving the coordination and integration of expertise into their work. More education and training opportunities should be provided to empower women and young people to be a force for change and disarmament. Experts and representatives of industry and civil society must also be included and integrated more effectively into United Nations efforts for disarmament.

As the Board of Trustees of the United Nations Institute for Disarmament Research, the Advisory Board welcomed and endorsed the vision of the new Director for the Institute as a responsive provider of knowledge, information, dialogue and policy advice to Member States, the disarmament expert community and United Nations entities. In particular, the Board welcomed the emphasis that the Institute was placing on contributing to the implementation of the Agenda.

The Board approved the report of the Director on the activities of the Institute for the period from January 2017 to May 2018 and the proposed programme of work and financial plan for 2018 and 2019. The Board considered the report of the independent third-party assessment outlining a sustainable and stable funding structure and operating model as required to achieve the mandate and objectives of the Institute. The Board took note of the professional and comprehensive nature of the assessment and endorsed its overall findings. In the view of the Board, the assessment confirmed the Board's long-standing position on the importance of ensuring that the Institute has adequate operating capacity and resources to carry out its mandate in a sustainable, impartial and inclusive manner.

# I. Introduction

1. The Advisory Board on Disarmament Matters held its sixty-ninth session in Geneva from 24 to 26 January 2018 and its seventieth session in New York from 27 to 29 June 2018. The present report is submitted pursuant to General Assembly resolution 38/183 (O). The report of the Director of the United Nations Institute for Disarmament Research (UNIDIR) was approved by the Advisory Board, in its capacity as the Institute's Board of Trustees, and has been submitted in document A/73/256.

2. Vladimir Drobnjak (Croatia) presided over both sessions of the Advisory Board in 2018.

# II. Substantive discussions and recommendations

3. At its sixty-ninth and seventieth sessions, the Advisory Board dealt with the following substantive items: strategic priorities for the Secretary-General on disarmament and non-proliferation; and current developments in science and technology and their potential impact on international security and disarmament. Consideration of those topics informed the development of the Secretary-General's Agenda for Disarmament, entitled "Securing Our Common Future". The work of the Board, which began in January 2018, was part of a multi-step process that included consultations with Member States, academia and non-governmental organizations.

4. The Agenda was unveiled on 24 May 2018 at the University of Geneva in a major policy speech by the Secretary-General. It contains three major pillars: "Disarmament to save humanity", in which a common path is proposed for the elimination of nuclear weapons, restoring respect for shared norms against the use of other weapons of mass destruction and preventing the emergence of a new arms race; "Disarmament that saves lives", to mitigate the devastating impact on civilians resulting from the use of explosive weapons in populated areas, focusing on assistance to States to reduce excessive stockpiles of conventional arms and end illicit trafficking of small arms and light weapons; and "Disarmament for future generations", concerning the challenges posed by autonomous weapons, artificial intelligence and cyberthreats. In the Agenda, the Secretary-General also encourages building and strengthening partnerships with Governments, the expert community and civil society, with a particular focus on empowering young people and creating training and educational opportunities. He has also paid particular attention to the gendered impact of arms.

5. Addressing the seventieth session of the Board, the Secretary-General thanked the members for providing vital initial inputs into the development of the Agenda. The Secretary-General asked the Board to focus on strategies for implementing the Agenda and to tackle three main questions: how to mobilize and ensure the support of Member States for the way forward, especially in the current difficult international climate; how to ensure that actions by the United Nations system are coordinated with the work of Member States in the areas of disarmament, development and humanitarian affairs; and how to build effective partnerships with experts, industry, civil society stakeholders, academia and the broader public.

6. The Board heard presentations from United Nations staff on specific issues and discussed the various topics with a view to developing practical and concrete suggestions and recommendations that focus on implementing the action points contained in the Agenda.

## A. General assessment of the Agenda for Disarmament

7. The Board expressed full and unreserved support for the Secretary-General's Agenda for Disarmament and commended him for setting out a clear and strategic path for addressing current challenges and defending gains made in the field of disarmament and non-proliferation.

8. The Board believed that the Agenda was comprehensive and balanced, with its focus on reducing and eliminating the threats posed by nuclear and other weapons of mass destruction ("Disarmament to save humanity") and alleviating and mitigating the devastating harm to civilians caused by conventional weapons ("Disarmament that saves lives"), and its call for vigilance concerning new and emerging weapon technologies that could threaten the security of generations to come ("Disarmament for future generations"). Furthermore, the Board was impressed by the Agenda's vision and realism, with its near-term message of preserving and improving what exists, and by its long-term vision of disarmament.

9. Although the Agenda was an initiative of the Secretary-General, rather than a product of intergovernmental processes, the Board recognized and upheld the added value of the Agenda in the linkages and references it made to other intergovernmental agendas and priorities, in particular the Sustainable Development Goals. The Board believed that such linkages were what made disarmament an integral part of the DNA of the work of the United Nations and relevant to every Member State.

10. The Board noted that the broad scope of the Agenda addressed the concerns of all States, no matter their disarmament and non-proliferation priorities.

11. The Board wished to stress that it was incumbent on all stakeholders to actively promote the Agenda for Disarmament, and urged all Member States to take ownership of the Agenda. The Board stressed the need for greater outreach efforts to raise awareness of the Agenda and its call to action among Member States, the expert community, civil society and the broader public. To further those aims, the Board made the following recommendations.

**Key points and recommendations**

**(a) The Secretary-General and his senior staff are encouraged to reach out to Member States through their respective permanent missions in New York, Geneva and Vienna, and engage with their capitals, including their ministries of defence, foreign affairs and finance and other relevant national institutions;**

**(b) The Agenda for Disarmament should be discussed during the general debate at the start of the seventy-third session of the General Assembly and the Secretary-General should be encouraged to mention the Agenda in his address to the General Assembly;**

**(c) Heads of State and Government should be encouraged to refer to the Agenda in their remarks to the General Assembly;**

**(d) The Chair of the Board should bring the Agenda to the attention of the President of the General Assembly and the Chair of the First Committee and encourage them to ensure that it receives adequate consideration;**

**(e) Opportunities for the Secretary-General to set out the Agenda in various regions across the world should be utilized;**

**(f) A "friends of disarmament" network could be created as a possible means to advance the implementation of the Agenda;**

**(g) Opinion pieces supportive of one or more parts of the Agenda could be published under the authorship of one or more members of the Board or a group of mobilizers or champions;**

**(h) The Agenda should be emphasized in the introduction to and in section six of the Secretary-General's annual report on the work of the Organization, which is mandated by Article 98 of the Charter of the United Nations;**

**(i) A mapping exercise should be undertaken to determine the potential role of each United Nations entity in advancing certain parts of the Agenda, such as the role of the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) in engaging women and girls in the work of the Agenda;**

**(j) Tailored messages should be developed that explain the unique benefits to particular Member States of effective actions across the main areas of the Agenda. Through the implementation of the Agenda, its added value for Member States should be demonstrated over time, thereby strengthening their support for it;**

**(k) The Agenda should be presented as an action-oriented programme linked to the Sustainable Development Goals;**

**(l) An abridged version of the Agenda, possibly in the form of an easy-to-read, jargon-free summary, should be made available on the main homepage of the United Nations website;**

**(m) The Agenda should be translated into all six official United Nations languages, provided resources are available, and copies of the Agenda should be distributed to all Member States prior to the start of the seventy-third session of the General Assembly;**

**(n) The Organization should capitalize on significant anniversaries to sustain momentum for the Agenda, such as the fiftieth anniversary of the signing of the Treaty on the Non-Proliferation of Nuclear Weapons and the seventy-fifth anniversary of the founding of the United Nations.**

## 1. Disarmament to save humanity: weapons of mass destruction and other strategic weapons

*Conceptual framework*

12. The Board reaffirmed that nuclear weapons posed a continuing existential threat to the world. States must work together to take specific and irreversible steps to prepare for a world free of nuclear weapons. That includes reinvigorating global arms control, disarmament and non-proliferation processes, making the nuclear test ban permanent, developing approaches for nuclear disarmament verification, and ending the production of fissile material for use in weapons.

13. The Board further affirmed the need to halt the use of chemical weapons by ensuring accountability and ending impunity. It also noted the need to strengthen the institutional framework with respect to biological weapons, in particular the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, to prevent any use of such weapons and to be ready to mount a response if prevention failed.

14. At the same time, the Board highlighted that preventing the emergence and potential deployment of new and destabilizing strategic weapons, including in outer space, remained vital for the preservation of international stability.

*Institutional architecture*

15. In an environment of growing international tensions and insecurities, as described in the Secretary-General's Agenda for Disarmament, the Board agreed that an immediate priority was to preserve the existing bilateral, multiparty and multilateral arms control and disarmament framework, which included key elements such as the Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms; the Treaty between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter-Range Missiles; and the Conference on Disarmament. There appeared to be general consensus that the current framework was under considerable stress.

16. The Board reaffirmed the Treaty on the Non-Proliferation of Nuclear Weapons as the cornerstone of the global nuclear non-proliferation regime. The Board repeatedly emphasized the importance of ensuring the success of the upcoming 2020 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, believing it to be a priority for all States parties, and welcomed the readiness of the Secretary-General and the High Representative for Disarmament Affairs to contribute to that goal.

17. In that regard, the Board reiterated the call contained in the Agenda for past commitments under the Treaty on the Non-Proliferation of Nuclear Weapons to be honoured. It suggested that one outcome of the 2020 Review Conference could be the identification of priority actions to be achieved during the period between the 2020 and 2025 Review Conferences.

18. The Board agreed that it was important for the 2020 Review Conference to find ways to make progress towards the repeatedly affirmed goal of a Middle East zone free of nuclear weapons and all other weapons of mass destruction and the implementation of the resolution on the Middle East adopted at the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons.

19. The Board emphasized that, while the Secretary-General had an important role to play, States, in particular nuclear weapons possessors, should work towards an improved political environment and renewed constructive engagement and dialogue. In order to achieve success at the 2020 Review Conference and move forward on all areas of the Agenda, States must get back into the habit of cooperating with one another. The readiness of the Secretary-General to encourage dialogue to that end was highlighted during the Board's discussions.

20. The Board recalled that the Security Council had unanimously endorsed the Joint Comprehensive Plan of Action in its resolution 2231 (2015). During the Board's discussions, it was emphasized that the Plan of Action was a major achievement in nuclear non-proliferation and diplomacy and that every effort should be made to abide by its commitments.

21. The Board welcomed the holding of a summit in Singapore on 12 June 2018 between the United States of America and the Democratic People's Republic of Korea, and was encouraged by the commitment made to work towards the complete denuclearization of the Korean Peninsula.

22. The Board agreed with the Secretary-General's emphasis on preserving the practice and norm of non-use and non-testing of nuclear weapons. Even if preserving the existing arms control and disarmament framework is the most immediate challenge, the Board supported the Agenda's emphasis on extending that framework to include new threats and new tools in the arms control toolbox.

23. On the issue of chemical and biological weapons, the Board recognized the importance of restoring the norm against the use of chemical weapons. The need to restore trust in multilateral institutions was seen as an important challenge to the agreed international framework.

24. In that regard, the Board welcomed the action points contained in the Agenda. It supported the idea of strengthening the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction through the establishment of a mechanism to investigate alleged use.

25. Given the wide scope of the issues at hand, the Board only had time to focus on a limited number of specific key areas that it thought could benefit from further deliberation and recommendations. Lack of mention of other areas in its report should not be seen as a judgment on the importance of such areas.

*Key points and recommendations*

26. **In helping to bring the international community back to a common vision and path towards the total elimination of nuclear weapons, the Board welcomed the commitment expressed by the Secretary-General in his Agenda to engage in quiet dialogue to gain the support of Member States for the Agenda and to advance its objectives.**

27. **The Board also welcomed the Secretary-General's emphasis in the Agenda on increasing his efforts to facilitate critical dialogue among Member States, including through the possible creation of new informal platforms or the use of existing forums to generate new ideas.**

28. **In the context of the Treaty on the Non-Proliferation of Nuclear Weapons, the Board highlighted the need for States to move away from their present habits of confrontation towards habits of cooperation, first by identifying specific areas in which cooperation could be cultivated and expanded over time and then moving to include more contentious issues.**

29. **The Board discussed with particular interest the Secretary-General's proposed two-track approach of persistent track 1.5 diplomacy and the establishment of a wider Helsinki-like process in the Middle East to build confidence. In his remarks to the Board, the Secretary-General highlighted the potential benefit of a broader confidence-building strategy that could begin with issues more suitable for agreement and lead to greater congruence on more sensitive topics.**

30. **The Board recommended that the Secretary-General could highlight to Member States the importance of pursuing efforts to preserve and resume their bilateral arms control processes. The Secretary-General would be well placed to encourage the rebuilding of cooperation among States parties to the Treaty on the Non-Proliferation of Nuclear Weapons.**

31. **In its discussion of the importance of strengthened dialogue on nuclear matters, including reducing the risk of use of nuclear weapons, and in the light of the Secretary-General's readiness to encourage such dialogue, the Board proposed for consideration the following model of three "concentric circles" for enhanced dialogue:**

(a) **The first, innermost circle would be dialogue (official as well as track 1.5) among all the nuclear-weapon States, including on doctrines and concepts related to nuclear weapons. That could be separate from dialogue limited to the five permanent members of the Security Council. Possible**

platforms could include informal State-level discussions on the margins of the Conference on Disarmament, a track 1.5 process, perhaps associated with UNIDIR, or a thematic dialogue in the Security Council;

(b) The next circle would be that of all States that rely on nuclear weapons for their security. Such discussions could be conducted through an expanded track 1.5 dialogue, potentially steered by UNIDIR with extrabudgetary resources;

(c) The final, outermost circle would be among all stakeholders, including non-nuclear-weapon States parties to the Treaty on the Non-Proliferation of Nuclear Weapons and the Treaty on the Prohibition of Nuclear Weapons, through discussions within the various pillars of the disarmament machinery, as well as at the 2020 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons. The discussions within the United Nations system could be led by the Office for Disarmament Affairs (New York and Geneva), with substantive support from UNIDIR. In all three circles, engagement and support could be provided by the Secretary-General and the High Representative for Disarmament Affairs.

32. The Board agreed on the importance of nuclear risk reduction activities, as emphasized in the Agenda. Nuclear risk reduction would serve the interests of all Member States. At the same time, the Board stressed that nuclear risk reduction, including sustaining the norm and practice of non-use, had to be addressed within the wider context of the pursuit of the total elimination of nuclear weapons.

33. The Board discussed what actions could constitute possible risk reduction measures, such as no nuclear threat-making, restraints in nuclear doctrines, reducing the salience of nuclear weapons in national security strategies, initiatives to prevent accidental use, measures for the de-escalation of conflict and adopting a non-first use policy.

34. The Board highlighted the need to address the implications of new cyber and artificial intelligence technologies for nuclear risk reduction. It recommended that the role of emerging technologies in verification and monitoring of disarmament commitments should be further examined. The Board supported the Secretary-General's call for UNIDIR to identify further risk reduction measures.

35. The Board proposed that the Secretary-General be encouraged to support efforts by Member States to discuss the reinforcement of the Secretary-General's Mechanism for Investigation of Alleged Use of Chemical and Biological Weapons.

36. A proposal could be put forward to strengthen the institutional framework with respect to biological weapons by creating a response capacity in the event of a biological attack. While upholding the authority of the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, that effort could be led by the Office for Disarmament Affairs, which has a branch in Geneva, where the Convention's Implementation Support Unit is based and where discussions related to the Convention take place.

## 2. Disarmament that saves lives

*Conceptual framework*

37. The Board recognized the characterization by many that conventional weapons, which result in vast destruction and massive loss of life, are the "real weapons of mass destruction". Armed conflicts are becoming more deadly, destructive and complex, not only because of the overaccumulation and wide availability of small arms and light weapons and their ammunition, but also because of the use of explosive weapons in populated areas and improvised explosive devices, as well as the emergence of new technologies, such as armed drones. The Board agreed with the assessment by the Secretary-General that such weapons could exacerbate economic losses, displace civilian populations, cripple critical infrastructure and result in environmental contamination, ultimately impeding the Sustainable Development Goals.

38. The Board welcomed the assessment by the Secretary-General in his Agenda that international approaches to regulate arms needed to be brought into line with the magnitude of those problems and integrated into broader work for prevention and sustainable development. Furthermore, it supported the findings that new approaches were required for supporting action at the country level to end the illicit trade in small arms and their ammunition, that enhanced implementation of measures for the security and physical protection of excessive and poorly maintained stockpiles was needed, and that renewed cooperation and dialogue were required to reduce military spending and build confidence among States.

39. The Board considered the issue of explosive weapons in populated areas, a major matter of concern raised in the Agenda. Weapons designed for use in open battlefields (such as artillery, rockets and mortars, large air-dropped bombs and surface-to-surface ballistic missiles) had a devastating effect on civilian populations and infrastructure, and had become a staggering humanitarian problem. The Board noted that, despite restraints proscribed by international humanitarian law, the impact of explosive weapons on civilians had grown substantially.

40. The Board discussed the gendered impact of arms, including the fact that weapons had a differentiated impact on women, men, boys and girls and that women were more frequently victims of gender-based violence facilitated by small arms, including domestic and sexual violence.

41. Data collection has been undertaken in the context of United Nations missions, with a view to minimizing civilian harm. Civilian tracking to date does not follow a rigorous scientific or analytical methodology, but it does provide a growing picture of the impact of weapons on civilians. In that context, the Board examined the need for a more standardized collection methodology and noted that such a step could lead to improved data and quality of information, regardless of location or the individuals undertaking the task. The Board cautioned that there was a need to ensure the protection of collected data, which could be sensitive in nature and prove a tool for malicious ends if placed in the wrong hands.

42. The Board also studied the issue of improvised explosive devices, which presented a daunting challenge because of the breadth of the issue, the wide array of actors and the ease with which the materials to make such devices could be acquired. The Board noted that improvised explosive devices were not a category of weapon controlled by Governments, which effectively precluded the normal array of arms control measures from being called upon. The most significant obstacle to putting in place a new legal framework to regulate improvised explosive devices was the intrinsic nature of the weapon itself. Efforts to address improvised explosive devices

should be holistic and part of comprehensive prevention and conflict resolution measures.

43. The Board noted that the technology and materials used to make improvised explosive devices were constantly evolving. On the issue of precursors, an additional challenge was that the chemicals were often easily available and dual-use in nature.

*Institutional architecture*

44. The Board noted that improvised explosive devices had a deleterious impact on many United Nations priorities, causing significant economic damage and harm to critical infrastructure, displacing populations and contaminating the environment. The point was made that since any country could be impacted by terrorists using improvised explosive devices, there was a strong incentive for every Member State to be involved in addressing the issue. That called for greater coherence in the approaches taken both by the United Nations and Member States. **The Board drew attention to and encouraged the implementation of General Assembly resolution 72/36 entitled "Countering the threat posed by improvised explosive devices", in which the Assembly called for enhanced cooperation and the sharing of information on good practices in order to counter the threat posed by improvised explosive devices.**

45. The Board welcomed the adoption of the outcome document of the Third United Nations Conference to Review Progress Made in the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, which was held in New York from 18 to 29 June 2018.

46. The Board highlighted the importance of convincing government agencies to treat small arms and light weapons not only as a security issue, but also as an impediment to sustainable development. Particular importance was given to involving agencies related to finance, defence, internal affairs and development in the same discussions as the funders that were supporting such activities.

47. The Board welcomed the coordination efforts of the United Nations through the Coordinating Action on Small Arms mechanism. **It recommended that more could be done, including through the Coordinating Action on Small Arms mechanism, to replicate existing best practices in various States and regions.**

48. The Board discussed the Secretary-General's intention, as part of the new Agenda for Disarmament, to establish a funding facility within the Peacebuilding Fund, open to United Nations system partners and external stakeholders, that would support comprehensive approaches to small arms regulation and control in selected States. The funding facility would enable Governments to undertake coordinated implementation of a wide range of measures under a single programme composed of mutually reinforcing components to address the various facets of the small arms problem in their countries. The facility would thus be a solid, innovative, participatory application of the increasingly accepted idea that arms regulation and development must be approached in an integrated manner.

49. The Board was encouraged that more States were integrating Security Council resolution 1325 (2000) on women, peace and security within their national action plans on addressing small arms and light weapons, and that a network of women, peace and security national focal points had been established. The Board wished to highlight the key role that women had played in policymaking in the context of disarmament and arms control.

*Key points and recommendations*

50. **The Board encouraged further implementation of General Assembly resolution 72/36, in which the Assembly called for enhanced cooperation and the sharing of information on good practices in order to counter the threat posed by improvised explosive devices.**

51. **The Board recommended that more could be done to replicate existing best practices found in various States and regions, including through the Coordinating Action on Small Arms mechanism.**

52. **The Board suggested that the Secretary-General consider supporting a summit-level dialogue, along the lines of the Nuclear Security Summit, to further the implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects. The Board felt that such a summit could raise awareness of the extent of the problem posed by small arms and encourage stepped-up efforts to counter the proliferation of illicit small arms and light weapons.**

53. **The Board strongly endorsed the steps being taken by the Secretary-General to establish a funding facility within the Peacebuilding Fund to help States to take a comprehensive and programmatic approach to addressing the issue of small arms and light weapons. The Board welcomed the suggestion to pilot the facility in a limited number of States and, once it had been shown to be a success, bolster the Peacebuilding Fund and system capacity to support country-level efforts**

54. **The Board recommended that the regional economic commissions be brought into play in advancing the implementation of the Agenda.**

### 3. Disarmament for future generations: emerging means and methods of warfare

*Conceptual framework*

55. The Board deliberated on emerging means and methods of warfare, noting that, while technology provided overwhelming benefits, new technologies in the area of weapons posed challenges to existing legal, humanitarian and ethical norms, non-proliferation, international stability and peace and security. Furthermore, in the face of the growing automation of weaponry, new measures were necessary to ensure that humans always maintained control over the use of force. A culture of accountability and adherence to norms, rules and principles needed to be fostered to ensure responsible behaviour in cyberspace, and additional steps needed to be taken to encourage responsible innovation by industry, engineers and scientists.

56. The Board considered the implementation of the action point contained in the Agenda on encouraging responsible innovation of science and technology, to ensure its application for peaceful purposes, as well as the responsible dissemination of knowledge, in conformity with the principles and objectives of the United Nations.

57. It noted that in 1975 the General Assembly had adopted the Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind (Assembly resolution 30/3384 XXX), which proclaimed that all States "shall promote international cooperation to ensure that the results of scientific and technological developments are used in the interests of strengthening international peace and security, freedom and independence, and also for the purpose of the economic and social development of peoples and the realization of human rights and freedoms in accordance with the Charter of the United Nations".

58. The Board drew attention to the fact that "responsible innovation of science and technology" was a very broad concept and noted that responsible innovation could have different implications depending on the area of technology in question.

59. The Board acknowledged that cultivating a culture of responsible innovation as part of an overall sense of ethical behaviour should begin at an early age. In that connection, it recommended exploring linkages with Sustainable Development Goal 4 on ensuring inclusive and equitable quality education and promoting lifelong learning opportunities for all.

60. The Board believed that the Agenda should also be part of the wider discussion of artificial intelligence. It should be discussed at science and technology forums, both at Headquarters and in the field, within and outside the United Nations. An important resource to promote the Agenda in all parts of the world would be through the involvement of the United Nations regional centres for peace and disarmament.

61. The Board also considered action points in the Agenda related to ensuring peace and stability in cyberspace. It welcomed the fact that the Secretary-General was making available his good offices to contribute to the prevention and peaceful settlement of conflict stemming from malicious activity in cyberspace.

*Institutional architecture*

62. The Board noted with satisfaction that the recommendation contained in its previous report endorsing the idea of the United Nations becoming the key norm entrepreneur in the cyberrealm had been taken up by the Office for Disarmament Affairs through its development, with the support of the Government of Singapore, of an online training course and norms implementation toolkit. The training course and toolkit were based on the assessments and recommendations contained in the reports of the Group of Governmental Experts on Developments in the Field of Information and Telecommunications in the Context of International Security and will be launched at a meeting of the First Committee during the seventy-third session of the General Assembly.

63. While fully supporting the discussions of the Group of Governmental Experts on lethal autonomous weapons systems in connection with the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, the Board discussed the idea that the Secretary-General could consider supporting a track 1.5 discussion on the topic of lethal autonomous weapons systems.

*Key points and recommendations*

64. **The Board proposed that the Secretary-General consider supporting a track 1.5 discussion involving industry on an exchange of national experiences in regulating emerging technologies, including artificial intelligence and autonomous systems and more specifically human-machine interaction. The discussion should explore the fundamental principles of international humanitarian law to clearly establish the human line of accountability for the use of lethal force. UNIDIR could play a key role in supporting multilateral efforts and conducting independent research to enlighten and inform the debates going forward.**

65. **In that connection, the Board also recommended involving and mobilizing young entrepreneurs, particularly those involved in scientific and technological advancements.**

66. **The Board further recommended that engagement with the private sector should include discussions on innovative approaches to technology, particularly**

**to mitigate the opacity in the implementation of machine-learning algorithms and other technologies.**

67. **The Office for Disarmament Affairs should undertake further work to support States in their implementation of the recommendations contained in the reports of Group of Governmental Experts on Developments in the Field of Information and Telecommunications in the Context of International Security.**

### 4. Strengthening partnerships for disarmament

68. As stated in the Agenda for Disarmament, disarmament initiatives have been most successful when they have involved effective partnerships among Governments, the expert community and civil society. The existing multilateral disarmament institutions need to be reinvigorated and better utilized, both through increased political will and by improving coordination and integration of expertise into their work.

69. In the Agenda, the Secretary-General notes that the United Nations and regional organizations should work together to strengthen existing platforms for regional dialogue on security and arms control. Greater efforts are needed to achieve the equal, full and effective participation of women in all decision-making processes, which, as the Secretary-General points out, is a moral duty and an operational necessity. More education and training opportunities should be provided to empower young people to be a force for change and disarmament. Lastly, there must be better engagement and integration of experts and representatives of industry and civil society into United Nations efforts for disarmament.

70. With regard to strengthening partnerships for disarmament, the Board discussed the importance of moving away from tokenism. Women, young people and representatives of community-based conflict resolution networks and the private sector, among others, must be brought to the table. The Board called for such groups to be involved in a more practical manner, by empowering them to take concrete follow-up actions in their areas of work and through stronger and more influential activism on the ground.

71. The Board noted that the absence of political will in the field of disarmament was one of the factors that made disarmament difficult, irrespective of the forums that existed to discuss the matter.

72. In terms of its own ability to be more strategic in its contributions to the efforts of the Secretary-General and the implementation of the Agenda for Disarmament, the Board explored a number of possible actions that could be taken by individual members or the Board as a whole.

*Key points and recommendations*

73. **The Board considered that mobilizing young people was an opportunity that should not be missed. Involving and connecting with existing youth networks, organizations, associations of young diplomats and other groups would enable more fruitful exchanges of ideas and knowledge. The possibility of inviting young people to participate in consultations and processes should be considered. The Board also encouraged the provision of further financial assistance to facilitate the participation of representatives from developing countries at meetings of the United Nations.**

74. **The Board highlighted the significance of disarmament education, engaging students at all levels through online courses and inviting young experts to participate in competitions or write essays on disarmament issues. University**

**students should be encouraged to discuss the points raised in the Agenda and brainstorm new solutions to current disarmament negotiation challenges.**

75. **The Board also highlighted the significance of bringing UN-Women on board in order to connect with women's organizations involved in disarmament issues.**

76. **The Board noted that the United Nations Global Colloquium of University Presidents was an opportunity to disseminate and discuss major policy initiatives of the United Nations. In 2016, the Colloquium had discussed the preservation of cultural heritage. It was recommended that the United Nations consider making the Agenda for Disarmament a topic for a future Colloquium. The presence of the Secretary-General at the Colloquium was specifically highlighted.**

77. **The Board welcomed the suggestion to strengthen its strategic role in all disarmament processes and deliberations. The agreed-upon vision and messages should be communicated more actively to disarmament bodies and forums within and outside the United Nations framework. That could contribute to identifying strategic and emerging disarmament priorities and advising the Secretary-General accordingly and in a timely manner. The possibility of creating subcommittees in which members of the Board would cover specific areas of disarmament was also considered.**

78. **The Board also emphasized and recommended that regional organizations could play a key role in the implementation of the Agenda.**

79. **The Board highlighted the significant advantage of working with the First Committee, the Conference on Disarmament and other entities within and outside the disarmament machinery. The Board considered that the exchanges of its members with other disarmament bodies, where feasible, could assist in its work in studying issues and making recommendations.**

## III. Board of Trustees of the United Nations Institute for Disarmament Research

80. The Advisory Board on Disarmament Matters, acting in its role as the Board of Trustees for UNIDIR, met twice in 2018, on 23 January in Geneva and on 26 June in New York.

81. At its meeting in January, the Board welcomed a new Chair and nine new members. That provided an opportunity for UNIDIR to introduce the members of the Board to its work and operating model. The Deputy Director gave a comprehensive briefing on the current status and activities of the Institute. The members of the Board provided comments and advice on UNIDIR research and activities, expressed their appreciation for the Institute's gender policy and encouraged it to establish a monitoring and evaluations policy.

82. The Deputy Director also provided an update on administrative and financial issues and an overview of the recent funding trends, highlighting in particular the relative decrease in unearmarked contributions to the institutional operations budget and the commensurate increase in earmarked project funding.

83. The Board welcomed the nomination of a new Director by the Secretary-General and looked forward to her taking up her functions in due course. They expressed their appreciation for the outgoing Director, Jarmo Sareva, and his work in achieving greater institutional and financial stability for UNIDIR.

84. The High Representative for Disarmament Affairs also addressed the Board. She emphasized her support for UNIDIR and the role that UNIDIR could play in elaborating and supporting the implementation of an agenda for disarmament.

85. At its meeting in June, the Board considered the new Director's strategic objectives and priorities for 2018–2020, the findings of the independent third-party assessment and the annual report of the Director. Board members were also provided with copies of the Institute's new monitoring and evaluation policy.

86. The Board welcomed and endorsed the Director's vision for the Institute as a responsive provider of knowledge, information, dialogue and policy advice to Member States, the disarmament expert community and United Nations entities. In particular, the Board welcomed the emphasis that UNIDIR was placing on contributing to the implementation of the Agenda for Disarmament, given the document's significance. Noting that the Agenda assigned specific roles to UNIDIR, the Board encouraged the Institute to be fully engaged in system-wide efforts to take the Agenda forward. The Board also welcomed the emphasis on enhancing linkages between the goals of disarmament, prevention and sustainable development in the work of the Institute and collaboration at the country and regional level, where appropriate. The members of the Board supported the Institute's commitment to increasing outreach and visibility, and encouraged the Institute to engage with more partners and more activities beyond Europe, where financially feasible.

87. The Board acknowledged with appreciation the breadth of the Institute's research programme and its commitment to maintaining the capacity to engage with conventional weapons and weapons of mass destruction as well as new technologies. In particular, the Board welcomed the increased emphasis and cross-cutting work on urban violence, gender and reducing the risk of use of nuclear weapons, as well as the focus on identifying and supporting areas of common ground in the context of weapons of mass destruction. The Board encouraged efforts by UNIDIR to document efforts to establish a nuclear-weapon-free zone in the Middle East. It also welcomed the Institute's commitment to facilitate multi-stakeholder dialogue, in particular on the implications of new technologies. The Board looked forward to discussing specific research programmes in more detail at its next meeting.

88. The Board approved the report of the Director of UNIDIR on the activities of the Institute for the period from January 2017 to May 2018 and the proposed programme of work and financial plan for 2018 and 2019 (A/73/256). The Board considered the report of the independent third-party assessment outlining a sustainable and stable funding structure and operating model as required to achieve the mandate and objectives of the Institute, as mandated by General Assembly resolution 70/69. The Board took note of the professional and comprehensive nature of the assessment and endorsed the overall findings. In the view of the Board, the assessment confirmed the Board's longstanding position on the importance of UNIDIR having adequate operating capacity and resources to carry out its mandate in a sustainable, impartial and inclusive manner. The Board underscored the timely nature of the assessment in the context of the launch of the Secretary-General's Agenda for Disarmament and the new UNIDIR management.

89. The Board recalled that, as discussed at its meeting in January, it had consistently recommended a subvention from the regular budget of the United Nations, as well as an increase.[1] While a subvention had continued to be granted, it

[1] As early as 1983, the Board "expressed concern" at the Institute's financial situation. It agreed that "to the extent possible, the funds needed for the employment of a permanent staff should be absorbed by the regular budget of the United Nations" (A/38/467, para. 21). Nearly every subsequent annual report of the Board notes the significant fundraising efforts of the Director and the staff and expresses concern at the inadequacy of voluntary contributions for covering institutional costs.

had not kept up with the Institute's staffing costs: the current subvention did not cover the D-2 position of the Director. The Board noted that a significant portion of the Institute's outputs, such as the information and knowledge support and policy advice it provides to States, were public goods, and not discrete projects for which it received dedicated funding.

90. The Board underscored that stable and predictable institutional funding was fundamental for the Institute's strategic planning and capacity to provide advice and support to all States. In that regard, it expressed its disappointment at the fact that, despite the consensus recommendation contained in paragraph 9 of General Assembly resolution 70/69, the Board's robust endorsement, the recommendation of the Advisory Committee on Administrative and Budgetary Questions, and its inclusion in the Secretary-General's proposed programme budget for 2018–2019, an exceptional, one-off increase in the subvention for the biennium 2018–2019 had not been approved.

91. In the light of increased Member State reliance on UNIDIR support, the Board strongly endorsed the view contained in the independent third-party assessment on the importance of increased regular budget support towards meeting the costs of the Director and the staff of the Institute, and called on Member States to endorse such an increase in the programme budget for 2020–2021.

92. The Board of Trustees looks forward to the report of the Secretary-General, to be presented at the seventy-third session of the General Assembly, on a sustainable and stable funding structure and operating model to achieve the mandate and objectives of the Institute and entreats Member States to support the recommendations contained therein. The Board will engage relevant General Assembly bodies during the seventy-third session on the need for sustainable funding arrangements for UNIDIR.

93. Mindful of the unique value and expertise that UNIDIR offers Member States and the international community, as well as the role envisaged for UNIDIR to contribute actively to the implementation of the Agenda for Disarmament, the Board requests the Secretary-General and the Secretariat to continue to provide the requisite administrative and logistical support, in particular accommodation within the Palais des Nations in Geneva, so as to enable UNIDIR to remain fully embedded within the United Nations disarmament machinery.

## IV. Future work and other matters

94. With respect to future work, and further to its discussion on strengthening the Board's strategic role in disarmament processes and deliberations, the Board suggested carrying out a mapping exercise of its members to determine their specific areas of expertise and what networks they belonged to. Such an activity could improve advocacy efforts, especially with respect to promoting and furthering the Agenda for Disarmament.

95. The Board considered meeting more than just twice a year, including through virtual meetings held on an ongoing basis during the intersessional period. That was deemed important for making gains and following up on progress made towards the implementation of the Agenda.

96. The Board proposed that the Secretariat brief the members of the Board on the recommendations made during previous sessions, informing them of which ones had been implemented.

## Annex

### Members of the Advisory Board on Disarmament Matters 2018

Vladimir Drobnjak (Chair)
Ambassador
Permanent Representative of Croatia to the United Nations
New York

Joanne Adamson
Ambassador
Deputy Head of Delegation of the European Union to the United Nations
New York

Setsuko Aoki
Professor of Law, Keio University
Tokyo

Selma Ashipala-Musavyi
Ambassador
Permanent Secretary, Ministry of International Relations and Cooperation of Namibia
Windhoek

Corentin Brustlein
Research Fellow
Security Studies Center
Institut français des relations internationales
Paris

Lucia Dammert
Associate Professor
Universidad de Santiago de Chile
Santiago

Lewis A. Dunn
Former United States Ambassador to the Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons
Virginia, United States of America

Fu Cong
Ambassador for Disarmament Affairs
Deputy Permanent Representative of China to the United Nations Office at Geneva
Geneva

Amandeep Gill
Ambassador
Permanent Representative of India to the Conference on Disarmament
Geneva

Steffen Kongstad
Ambassador
Permanent Representative of Norway to the Organization for Security and Cooperation in Europe
Vienna

Merel Noorman
Assistant Professor
Tilburg University
Tilburg, Netherlands

Enkhtsetseg Ochir
Director-General for Multilateral Cooperation
Ministry of Foreign Affairs of Mongolia
Ulaanbaatar

Vladimir Orlov
Director of the Center for Global Trends and International Organizations
Diplomatic Academy, Ministry of Foreign Affairs of the Russian Federation
Moscow

Abiodun Williams
Director of the Institute for Global Leadership and Professor of the Practice of International Politics, Fletcher School of Law and Diplomacy, Tufts University
Medford, United States of America

Motaz Zahran
Ambassador
Embassy of Egypt
Ottawa

Renata Dwan (ex officio)
Director of the United Nations Institute for Disarmament Research
Geneva

United Nations A/73/260

General Assembly

Distr.: General
27 July 2018

Original: English

**Seventy-third session**
Item 74 (b) of the provisional agenda*
**Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms**

# Moratorium on the use of the death penalty

## Report of the Secretary-General

*Summary*

The present report provides information on the implementation of General Assembly resolution 71/187. It discusses developments towards the abolition of the death penalty and the establishment of moratoriums on executions. The report highlights trends in the use of the death penalty, including the application of international standards relating to the protection of the rights of those facing the death penalty, including foreign nationals and migrants. It also discusses gender-based discrimination against women in the application of the death penalty, the disproportionate impact of its use on poor or economically vulnerable individuals, and regional and international initiatives for advancing the abolition of the death penalty.

* A/73/150.

18-12466 (E) 130818

Please recycle

# I. Introduction

1. In its resolution 71/187, the General Assembly requested the Secretary-General to report at its seventy-third session on the implementation of the resolution. In submitting the present report, the Secretary-General draws attention to his recent reports to the Human Rights Council on the question of the death penalty (A/HRC/36/26 and A/HRC/39/19) and to the report of the United Nations High Commissioner for Human Rights on the high-level panel discussion on the question of the death penalty (A/HRC/36/27). The present report covers the period from December 2016 to June 2018 and is based largely on the information received following a call for input circulated to States, national human rights institutions, United Nations agencies, international and regional intergovernmental bodies and non-governmental organizations.[1]

# II. Availability of information on the use of the death penalty

2. In its resolution 71/187, the General Assembly called upon States to make available relevant information, disaggregated by sex, age and race, as applicable, and other applicable criteria, with regard to their use of the death penalty. The Human Rights Council (Human Rights Council resolution 36/17, para. 9) and human rights mechanisms continued to call upon States to ensure the accessibility of information on the death penalty (CRC/C/PAK/CO/5, para. 25, and CAT/C/SAU/CO/2, para. 43), as well as to provide prompt notification to relatives about the date and place of any execution (CAT/C/BLR/CO/5, para. 55).

3. Up-to-date and accurate global figures on the application of the death penalty are difficult to obtain. Some Governments are reluctant to release information on the number and details of individuals executed. Reportedly, Belarus, China and Viet Nam continue to classify data on the use of the death penalty as a State secret. While the Supreme People's Court of Viet Nam began publishing judgments and decisions on its online portal, restrictions on the availability of data remain under the laws on national security and State secrets and other laws protecting the identity of the defendants or entities[2]. Little or no information was reportedly available on China, the Democratic People's Republic of Korea, Lao People's Democratic Republic, Libya, Malaysia, Saudi Arabia, the Sudan, the Syrian Arab Republic and Yemen.[3]

4. In countries affected by conflict, the challenge of transparency is compounded, and information related to the use of the death penalty is very difficult to obtain, including with regard to Iraq, Libya, the Syrian Arab Republic and Yemen.[4]

---

[1] Submissions are on file with the Secretariat and available for consultation.

[2] Supreme People's Court, resolution on the announcement of the judgment and decision on the Court's electronic portal, resolution No. 03/2017/NQ-HDTP, 16 March 2017.

[3] Submissions from Amnesty International, Harm Reduction International.

[4] Submissions from Amnesty International; Office of the United Nations High Commissioner for Human Rights (OHCHR), "United Nations human rights chief 'appalled' at Iraq mass execution", 27 September 2017. Available at http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22166&LangID=E.

# III. Developments since the adoption of General Assembly resolution 71/187

## A. Abolition of the death penalty and ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights

5. During the reporting period, several States took initiatives towards abolition of the death penalty: 170 were execution-free in 2017. Criminal codes that do not provide for the death penalty were adopted or came into force in Benin, Burkina Faso and Mongolia. In the Central African Republic and Guinea, military justice codes that do not provide for the death penalty were adopted or came into force. The National Assembly of Chad promulgated a Penal Code that abolishes the death penalty for ordinary crimes, while maintaining it for "terrorism". In October 2017, the Constitutional Court of Guatemala effectively abolished the death penalty for ordinary crimes. Madagascar and Sao Tome and Principe ratified, and the Gambia and the State of Palestine signed, the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty,[5] bringing the total number of States parties to 85 and the number of signatories to 39.

## B. Moratoriums

6. The General Assembly, in its resolution 71/187, welcomed the decisions made by an increasing number of States from all regions, at all levels of government, to apply a moratorium on executions, followed in many cases by the abolition of the death penalty. The Assembly further called upon all States to establish a moratorium on executions with a view to abolishing the death penalty. In his previous report, the Secretary-General reported that in many States, moratoriums on the imposition of the death penalty have been a first step towards abolition and have had a beneficial effect on abolition efforts (A/71/332, paras. 8 and 9). This trend continued during the reporting period.

7. In February 2018, the President of the Gambia announced the suspension of the death penalty as a first step towards abolition[6]. In October 2017, the President of the United Republic of Tanzania declared that he will not sign any death warrants; and granted pardon to 61 prisoners sentenced to death.[7] The National Court of Papua New Guinea conducted a judicial inquiry into the protection of the human rights of those facing the death penalty and ordered an indefinite stay of execution for those on death row, including to allow for the establishment of a mercy committee and review of clemency applications.[8] Nigeria reported that the last executions were carried out in 2013, even though the Federal Government is yet to adopt a formal policy of moratorium in line with resolution 71/187.[9] United Nations human rights mechanisms called on States to impose a moratorium on executions, notably in Afghanistan,

[5] Available at https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-12&chapter=4&clang=_en; S/2018/614, para. 52.

[6] President of the Gambia, statement at the fifty-third independence anniversary celebration. Available at https://statehouse.gov.gm/statement-53rd-independence-anniversary-celebration.

[7] Legal and Human Rights Centre and Zanzibar Legal Services Centre, *'Unknown Assailants': A Threat to Human Rights — Tanzania Human Rights Report 2017* (Dar es Salaam and Zanzibar, 2018). Available at http://www.humanrights.or.tz/assets/images/upload/files/LHRC%20THRR%202017(2).pdf.

[8] Papua New Guinea, *Enforcement of Basic Rights under Section 57 of the Constitution* (2017). Available at http://www.paclii.org/pg/cases/PGNC/2017/266.html.

[9] Submission from Nigeria.

Bahrain, Bangladesh, Morocco and Pakistan,[10] and consider abolishing the death penalty in Bangladesh, Pakistan, the Republic of Korea and Thailand.[11]

## C. Reduction of the number of offences punishable by death

8. In its resolution 71/187, the General Assembly also called upon States to reduce the number of offences for which the death penalty may be imposed. The report of the Secretary-General to the Human Rights Council on the question of the death penalty (A/HRC/39/19) provides further information on the reduction of the number of offences punishable by death and the removal of the mandatory death penalty.

9. In Afghanistan, the new Penal Code "significantly reduces the number of crimes for which the death penalty applies".[12] As detailed in section V.A, the Islamic Republic of Iran and Malaysia took steps to remove the mandatory death penalty for drug-related offences in some circumstances. In Myanmar, a law repealed provisions that allowed the death penalty for treason, abetting treason and sabotage.[13] Thailand abolished the mandatory death penalty for selling drugs.[14] And several crimes were removed from the list of capital offences in Viet Nam (CCPR/C/VNM/3, para. 67).

## D. National initiatives to advance abolition

10. In its resolution 71/187, the General Assembly welcomed initiatives and political leadership encouraging national discussions and debates on the possibility of moving away from capital punishment through domestic decision-making. During the reporting period, a number of initiatives — including by abolitionist States — were taken to advance abolition.[15]

11. Australia accepted recommendations by a parliamentary joint standing committee to develop a whole-of-government strategy for abolition of the death penalty in the context of foreign policy engagements[16]. Italy reported on awareness-raising activities, for example, contributing to the high-level event on the death penalty held by the Office of the United Nations High Commissioner for Human Rights (OHCHR) during the seventy-first session of the General Assembly. Italy also highlighted its task force, set up together with Amnesty International Italy, Nessuno tocchi Caino (Hands Off Cain) and the Community of Sant'Egidio, which seeks to strengthen cooperation in the activities carried out in the run-up to the General

[10] See CAT/C/AFG/CO/2; CAT/C/BHR/CO/2-3; CCPR/C/BGD/CO/1; CCPR/C/MAR/CO/6; CCPR/C/PAK/CO/1.

[11] See CCPR/C/BGD/CO/1; CCPR/C/PAK/CO/1; CAT/C/KOR/CO/3-5; CCPR/C/THA/CO/2.

[12] United Nations Assistance Mission in Afghanistan (UNAMA), "UNAMA welcomes Afghanistan's new penal code: calls for robust framework to protect women against violence", 22 February 2018. Available at https://unama.unmissions.org/unama-welcomes-afghanistan%E2%80%99s-new-penal-code-calls-robust-framework-protect-women-against-violence

[13] International Federation for Human Rights (FIDH), *Going Backwards: The Death Penalty in Southeast Asia* (Paris, 2016). Available at https://www.fidh.org/IMG/pdf/asie682apdmweb.pdf.

[14] Narcotic Act (Vol. 6) 2016.

[15] See A/HRC/39/19 for legislative amendments. International Commission against the Death Penalty, *How States Abolish the Death Penalty: 29 Case-Studies*, 2nd ed. (Madrid, 2018). Available at http://www.icomdp.org/2018/06/launch-of-icdp-publication-how-states-abolish-the-death-penalty-29-case-studies/; International Federation for Human Rights (FIDH), *Triggers for abolition of the death penalty in Africa: A Southern African perspective* (Paris, 2017). Available at https://www.fidh.org/IMG/pdf/death_penalty_in_africa_703a_eng_25_oct_2017_web_ok_ok.pdf. These publications describe the experiences of States moving towards abolition.

[16] Australia, "A world without the death penalty: Australia's advocacy for the abolition of the death penalty", March 2017. Available at http://dfat.gov.au/about-us/publications/Documents/aus-gov-response-jscfadt-report-a-world-without-the-death-penalty.pdf.

Assembly resolution. Slovenia reported on its public statements on the death penalty, and that it had raised the issue in the Human Rights Council, including in the context of the universal periodic review. Sweden reported that its Parliament had decided to support the Government's approach to human rights, democracy and the principles of the rule of law in Swedish foreign policy, which includes its intention to work to abolish the death penalty across the world.

12. The Human Rights Committee encouraged Burkina Faso and Morocco to continue national debates and efforts towards the abolition of the death penalty.[17] In Belarus, the President declared that he would be willing to impose a moratorium on the death penalty if supported by the majority of citizens. Subsequent conferences and round tables were held in Belarus on the death penalty, including by the Council of Europe.[18] During its universal periodic review, Ghana referred to its commitment to abolish the death penalty (A/HRC/37/7, para. 11). Indonesia accepted recommendations during its universal periodic review to consider establishing a moratorium on executions with a view to abolishing the death penalty (A/HRC/36/7). In Kenya, the Power of Mercy Advisory Committee began a national public debate to collect views of members of the public on the subject of the death penalty;[19] while the Supreme Court relied on international and national jurisprudence to hold that the mandatory death penalty for murder is unconstitutional.[20] Zimbabwe reported during its universal periodic review that a paper on the abolition of the death penalty would be prepared for debate (A/HRC/34/8, para. 129).

13. In the Republic of Korea, advocacy for the abolition of the death penalty continued.[21] In December 2017, the President of the Republic of Korea suggested to the National Human Rights Commission of Korea that it would be helpful to present detailed alternative measures, along with international human rights principles, in its proposals on the abolition of the death penalty.[22] In Sierra Leone, while one of the options recommended by the Constitutional Review Committee was that the Constitution be amended to abolish the death penalty,[23] a subsequent government white paper rejected the recommendations.[24] In Sri Lanka, the Subcommittee on Fundamental Rights of the Constitutional Assembly recommended the inclusion in the proposed Bill of Rights of a provision that no person shall be "punished with death".[25]

---

[17] CCPR/C/BFA/CO/1, para. 22; CCPR/C/MAR/CO/6, para. 20; A/HRC/36/6/Add.1.

[18] Organization for Security and Cooperation in Europe (OSCE) Office for Democratic Institutions and Human Rights, *The Death Penalty in the OSCE Area*, background paper (Warsaw, 2017). Available at https://www.osce.org/odihr/343116?download=true; Council of Europe, "Abolition of death penalty discussed in Minsk", 18 April 2018. Available at https://www.coe.int/en/web/human-rights-rule-of-law/-/abolition-of-death-penalty-discussed-in-minsk.

[19] Power of Mercy Advisory Committee, "Final leg of the public debate on capital punishment kicks off tomorrow Wednesday in Kirinyaga County", 22 September 2016. Available at http://www.powerofmercy.go.ke/final-leg-of-the-public-debate-on-capital-punishment-kicks-off-tomorrow-wednesday-in-kirinyaga-county/.

[20] *Francis Karioko Muruatetu and another v. Republic and five others* (2017).

[21] Submission from the National Human Rights Commission.

[22] Lee Sung-Ho of National Human Rights Commission of Korea, "International seminar on the death penalty", 26 April 2018.

[23] Constitutional Review Committee, "Report of the Constitutional Review Committee", 2016. Available at https://constitutionalreviewblog.files.wordpress.com/2017/01/crc_final_report16.pdf.

[24] Amnesty International, "Sierra Leone: government rejection of important constitutional review recommendations a missed opportunity to strengthen human rights protection", press release, 6 December 2017. Available at https://www.amnesty.org/en/press-releases/2017/12/sierra-leone-government-rejection-missed-opportunity-to-strengthen-human-rights-protection/.

[25] Steering Committee of the Constitutional Assembly, "Report of the Sub-Committee on Fundamental Rights". Available at https://english.constitutionalassembly.lk/images/pdf/01-Fundamental-Rights-ste.pdf.

14. As highlighted in previous reports, it is important for the effectiveness and transparency of any debate on the death penalty to ensure that the public has access to balanced information, including accurate information and statistics on criminality and the various effective ways to combat it, without resorting to capital punishment (A/HRC/24/18, para. 80, and A/HRC/27/23, para. 73). During the reporting period, a number of public opinion surveys and studies were conducted on various aspects of the use of the death penalty, notably relating to Japan,[26] Malawi,[27] Singapore[28] and Zimbabwe.[29] Awareness-raising events and activities on the death penalty were undertaken, including in Burkina Faso, Cameroon,[30] the Democratic Republic of the Congo,[31] Egypt[32], Malaysia,[33] Niger[34] and Sri Lanka.[35]

# IV. Trends in the use of the death penalty

## A. Number of executions and executing countries

15. The number of executions reportedly decreased during the reporting period,[36] while the number of States in which executions were carried out in 2017 remained the same as in 2016, at 23 States.[37] Botswana and Thailand resumed executions in 2018 (see sect. IV.B). Reports indicate a decrease in the number of death sentences imposed, as well as in the number of countries that imposed death sentences, as compared with 2015.[38] A number of States reported that they retain the death penalty (Malaysia and Singapore) and referred to the "sovereign right of all countries to

[26] David Johnson, *Does the Death Penalty Deter Homicide in Japan?* (Asian Law Centre, 2017). Available from https://law.unimelb.edu.au/__data/assets/pdf_file/0007/2676418/Johnson-EN_final.pdf.

[27] Cornell Center on the Death Penalty Worldwide, "Malawian traditional leaders' perspectives on capital punishment: a targeted survey of traditional leaders affected by the Malawi Capital Resentencing Project" (Cornell Law School and Paralegal Advisory Service Institute, 2017). Available at https://reprieve.org.uk/wp-content/uploads/2018/04/Malawian-Traditional-Leaders-Perspectives-on-Capital-Punishment.pdf.

[28] The Death Penalty Project, "Singapore public opinion survey reveals low support for the mandatory death penalty", 5 March 2018. Available at https://www.deathpenaltyproject.org/2018/03/05/singapore-public-opinion-survey-reveals-low-support-for-the-mandatory-death-penalty/.

[29] Mai Sato, *12 Years Without an Execution: Is Zimbabwe Ready for Abolition? — A Survey of Public Attitudes Towards the Death Penalty* (London, The Death Penalty Project, 2018). Available at http://www.deathpenaltyproject.org/wp-content/uploads/2018/05/12-Years-Report.pdf.

[30] Submission from Ensemble contre la peine de mort.

[31] Submission from Ensemble contre la peine de mort.

[32] Submission from the National Council for Human Rights.

[33] Anti-Death Penalty Asia Network Malaysian National Conference held at Kuala Lumpur on 21 and 22 July 2017. See https://adpan.org/category/resources-for-abolitionist/adpans-malaysian-national-conference-2017/.

[34] Submission from the International Federation of Action by Christians for the Abolition of Torture.

[35] Submission from the Human Rights Commission.

[36] Amnesty International reported 993 executions in 2017, down by 4 per cent from 2016 (1,032 executions). These figures do not include China. See Amnesty International, "Amnesty International global report: death sentences and executions 2017" (London, 2018). Available at https://www.amnesty.org/download/Documents/ACT5079552018ENGLISH.PDF.

[37] Afghanistan, Bahrain, Bangladesh, Belarus, China, Democratic People's Republic of Korea, Egypt, Iran (Islamic Republic of), Iraq, Japan, Jordan, Kuwait, Malaysia, Pakistan, Saudi Arabia, Singapore, Somalia, South Sudan, United Arab Emirates, United States of America, Viet Nam, Yemen and State of Palestine.

[38] Amnesty International reported 2,591 sentences in 2017, down from 3,117 in 2016; and the number of countries that imposed death sentences fell from 55 in 2015 to 53 in 2017. See Amnesty International, "Amnesty International global report".

develop their own legal systems, including determining appropriate legal penalties, in accordance with their international law obligations" (General Assembly resolution 71/187).

16. The High Commissioner for Human Rights noted in March 2017 that over 80 per cent of Member States have ceased putting people to death, either formally or with informal moratoriums. However, he highlighted that China, the Islamic Republic of Iran, Pakistan and Saudi Arabia were responsible for almost 90 per cent of the executions carried out during the reporting period. He deeply regretted that Bahrain, Indonesia, Jordan and Kuwait had retreated from formal or informal commitments to moratoriums on the death penalty, while Maldives, Papua New Guinea, the Philippines and Turkey had stated their intention to reinstate capital punishment.[39]

17. During the reporting period, the Secretary-General, the High Commissioner for Human Rights and the United Nations special procedures mandate holders reiterated their alarm at the high rate of executions in numerous countries.[40] In the Islamic Republic of Iran, 482 executions were recorded in 2017, compared with 530 in 2016 and 969 in 2015 (A/HRC/37/24). Furthermore, at least 77 people, among them three juvenile offenders, were reportedly executed between 1 January and 20 May 2018.[41]

18. In Bahrain, the number of people on death row reportedly more than doubled following executions in January 2017 (15 sentenced to death in 2017),[42] and in 2018, courts reportedly sentenced a further three persons to death.[43] Executions in Iraq reportedly increased by 42 per cent, from 88 to over 125 in 2017,[44] and at least 65 death sentences were imposed for offences that included mostly terrorism-related acts, in addition to others related to murder, kidnapping and drug offences. In March 2018, the High Commissioner for Human Rights expressed particular concern at the lack of due process and fair trial standards in the hearings conducted under the Anti-

[39] OHCHR, "High Commissioner for Human Rights on the activities of his Office and recent human rights developments", 8 March 2017. Available at https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21316&LangID=E.

[40] See A/72/562 and A/HRC/37/24, and OHCHR, "Zeid urges Iran to stop violating international law by executing juvenile offenders", 16 February 2018; "United Nations experts urge Iran to halt 'unlawful execution' of young offender", 19 June 2018; "Iran must halt execution of Ramin Hossein Panahi, say United Nations rights experts", 18 June 2018; "United Nations rights expert urges Iran to halt imminent execution of Ramin Hossein Panahi", 2 May 2018; "United Nations rights experts call on Iran to annul death sentence against Ramin Hossein Panahi", 19 April 2018; "United Nations rights experts urge Iran to annul death sentence against Ahmadreza Djalali", 9 February 2018; "United Nations rights experts call on Iran to halt execution of second juvenile offender in as many weeks", 16 January 2018; "Iran: United Nations rights experts make urgent plea to halt imminent execution of juvenile Amirhossein Pourjafar", 3 January 2018. Available at, respectively, http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22664&LangID=E, https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=23216&LangID=E, https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=23208&LangID=E, http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23025&LangID=E, http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22959&LangID=E, http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22645&LangID=E, http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22587&LangID=E and http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22572&LangID=E.

[41] Iran Human Rights, "Iran execution trends six months after the new anti-narcotics law", 29 May 2018. Available at https://iranhr.net/en/articles/3325/.

[42] Amnesty International, "Amnesty International global report".

[43] Submission from Americans for Democracy and Human Rights in Bahrain.

[44] Amnesty International, "Amnesty International global report".

Terrorism Law 13 of 2005.[45] An increase in the number of executions was also reported in Singapore and Somalia, as well as in the State of Palestine (Gaza).[46]

19. In 2017, executions in Egypt fell by 20 per cent,[47] and a 31 per cent decrease in execution figures, compared with 2016, was reported in Pakistan. In Saudi Arabia, at least 145 people were reportedly executed in 2017, representing a 5 per cent decrease compared with 2016.[48]

### B. Resumption of executions

20. The resumption of executions runs counter to the international trend towards the reduction and eventual abolition of the death penalty.

21. During the reporting period, Bahrain, Botswana, Jordan, Kuwait, Thailand and the United Arab Emirates resumed executions.[49] In particular, in June 2018, Thailand carried out its first execution since 2009[50] and, in January 2017, seven people were hanged in Kuwait, the first executions since March 2013. Botswana carried out two executions in 2018, at least one of which was reportedly in total secrecy and with no prior information given to the person's family, relatives or lawyers, who were unable to meet with him.[51]

## V. Protection of the rights of those facing the death penalty

22. In its resolution 71/187, the General Assembly called upon States to respect international standards that provide safeguards guaranteeing protection of the rights of those facing the death penalty, in particular the minimum standards, as set out in the annex to Economic and Social Council resolution 1984/50. The Human Rights Committee continued its consideration of a draft general comment on article 6 of the International Covenant on Civil and Political Rights, addressing notably the meaning of the "most serious crimes"; the prohibition on mandatory death sentences; methods of execution; deportation and extradition; fair trial guarantees; the right to consular notification; and protection of juveniles, persons with disabilities and pregnant women.[52]

23. Cuba, Egypt, Iraq, Jordan, Kenya, Malaysia, Morocco and Pakistan provided information regarding the legal guarantees and safeguards in capital cases within their respective jurisdictions. Trends regarding the protection of the rights of those facing

[45] Zeid Ra'ad Al Hussein, OHCHR, "High Commissioner's global update of human rights concerns", annual report and oral update by the High Commissioner for Human Rights on the activities of his Office and recent human rights developments, 7 March 2018. Available at http://www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=22772&LangID=E.

[46] Amnesty International, "Amnesty International global report".

[47] Ibid.

[48] Ibid.

[49] Ibid.

[50] OHCHR, "United Nations Human Rights Office expresses dismay at the resumption of death penalty in Thailand", press release, 19 June 2018. Available at http://bangkok.ohchr.org/news/press/Thaiexecution.aspx.

[51] African Commission on Human and Peoples' Rights, "Press Release on the Execution of Joseph Poni Tselayarona", press release, 21 February 2018. Available at http://www.achpr.org/press/2018/02/d388/; International Federation for Human Rights (FIDH), "Botswana continues with cruel and regressive execution", press release, 19 February 2018. Available at https://www.fidh.org/en/issues/death-penalty/botswana-continues-with-cruel-and-regressive-execution.

[52] OHCHR, Draft General Comment on Article 6 of the International Covenant on Civil and Political Rights — Right to life. Available at https://www.ohchr.org/EN/HRBodies/CCPR/Pages/GC36-Article6Righttolife.aspx.

the death penalty can be gleaned from recent annual reports of the Secretary-General to the Human Rights Council on the question of the death penalty (A/HRC/36/26 and A/HRC/39/19). Some key trends are also outlined below.

## A. Imposition of the death penalty for drug-related offences

24. In accordance with article 6 (2) of the International Covenant on Civil and Political Rights, States that have not abolished the death penalty may impose it only for the "most serious crimes", which has been consistently interpreted as meaning intentional killing.[53] With regard to drug-related offences, United Nations human rights mechanisms have consistently stated that drug-related offences do not meet the threshold of the "most serious crimes".[54] The International Narcotics Control Board encouraged all States that retain the death penalty for drug-related offences to commute death sentences that have already been handed down and to consider the abolition of the death penalty for drug-related offences, in view of the relevant international conventions and protocols, and resolutions of the General Assembly, the Economic and Social Council and other United Nations bodies on the application of the death penalty.[55]

25. Some positive developments were noted during the reporting period, notably in the Islamic Republic of Iran and Malaysia, which restricted the application of the mandatory death penalty for some drug-related offences in some circumstances. The Secretary-General welcomed the amendment to the law on drug trafficking in the Islamic Republic of Iran and considered it in line with the human rights commitments adopted by Member States through the outcome document of the thirtieth special session of the General Assembly on the world drug problem (see A/HRC/37/24, para. 12). In 2018, Myanmar indicated that it would "consider repealing the death sentence for drug-related offences".[56]

26. Nevertheless, at least 30 States maintain the death penalty for drug-related offences in their legislation, and at least nine countries do so as a mandatory sanction.[57] While there was reportedly a decline in executions for drug-related offences worldwide,[58] during the reporting period, the death penalty was imposed or implemented for drug-related offences in countries including China, Indonesia, the Islamic Republic of Iran, Kuwait, the Lao People's Democratic Republic, Malaysia, Saudi Arabia, Singapore, Sri Lanka, Thailand, the United Arab Emirates and Viet Nam. At least 325 people were executed for drug-related offences in 2016, and at least

[53] CCPR/C/LBN/CO/3, para. 22; see also CCPR/C/PAK/CO/1, para. 18; A/67/275, paras. 35 and 66; CCPR/C/79/Add.25, para. 8; CCPR/C/48/D/470/1991.

[54] CCPR/C/PAK/CO/1, para. 17; CCPR/C/THA/CO/2, para. 17; CCPR/C/KWT/CO/3, para. 22; A/71/372, para. 48.

[55] International Narcotics Control Board, "INCB reiterates its call to States to consider the abolition of the death penalty for drug-related offences", press release, 1 August 2016. Available at http://www.incb.org/incb/en/news/press-releases/2016/press_release010816.html; Viroj Sumyai, President, International Narcotics Control Board, "Item 5 (c) Implementation of the international drug control treaties: International Narcotics Control Board", statement at the sixty-first session of the Commission on Narcotic Drugs, 14 March 2018. Available at http://www.incb.org/documents/Speeches/Speeches2018/Speech_61st_CND_Item_5c_speech_09_03_2018_text_for_Web_Posting_check_against_delivery.pdf.

[56] Central Committee for Drug Abuse Control, "National drug control policy", 2018. Available at https://www.unodc.org/documents/southeastasiaandpacific//2018/02/Myanmar_Drug_Control_Policy.pdf.

[57] Gen Sander, *The Death Penalty for Drug Offences: Global Overview 2017* (London, Harm Reduction International, 2018). Available at https://www.hri.global/files/2018/03/06/HRI-Death-Penalty-Report-2018.pdf.

[58] Submission from Harm Reduction International.

280 in 2017.[59] India and the State of Palestine (Gaza) reportedly resumed the imposition of the death penalty for drug-related offences.[60] In March 2018, the Attorney General of the United States provided guidance to United States attorneys regarding the use of capital punishment in drug-related prosecutions, including the pursuit of capital punishment in appropriate cases".[61]

27. In 2017, the High Commissioner for Human Rights stated that the most effective manner of addressing drug-related crimes is through strengthening the rule of law, ensuring an effective justice system and reducing drug use by adopting a strong public health approach to prevention, harm reduction and other forms of health care and treatment, in accordance with international standards. In that regard, he urged the Philippines not to reintroduce the death penalty.[62] OHCHR also expressed concern over executions for drug-related offences in Singapore.[63]

## B. Imposition of the death penalty by military courts

28. In many States, the death penalty was imposed following proceedings that failed to meet international fair trial standards, and during the reporting period, the High Commissioner and the special procedures mandate holders expressed concern over the lack of fair trial in death penalty cases, including in Egypt,[64] the Islamic Republic of Iran,[65] Iraq,[66] the Sudan[67] and Saudi Arabia.[68]

29. As stated by the Human Rights Committee, the trial of civilians by military courts should be exceptional. They may raise serious problems as far as the equitable, impartial and independent administration of justice is concerned. Therefore, it is important to take all the measures necessary to ensure that such trials take place under conditions that genuinely afford the full guarantees stipulated in article 14 of the

[59] Ibid.

[60] Sander, *The Death Penalty for Drug Offences*, submission by Harm Reduction International, referring to Peter John, Poornima Rajeshwar and Rahul Raman, *Death Penalty in India: Annual Statistics Report* (New Delhi, Centre on the Death Penalty, National Law University, 2018). Available at https://issuu.com/p39a/docs/deathpenaltyreport_annualstats2017_.

[61] Office of the Attorney General, "Guidance regarding use of capital punishment in drug-related prosecutions", memorandum to United States attorneys, 20 March 2018. Available at https://www.justice.gov/file/1045036/download.

[62] See https://www.ohchr.org/Documents/Countries/PH/OpenLetterHC_DeathPenalty.pdf; and Human Rights Committee, general comment No. 26 (1997) on the continuity of obligations.

[63] OHCHR, "United Nations Human Rights Office condemns execution for drug-related offences in Singapore", press release, 16 March 2018; and "United Nations Human Rights Office calls on Singapore to halt execution for drugs charges". Available at, respectively, http://bangkok.ohchr.org/news/press/Singapurax.aspx and http://bangkok.ohchr.org/news/press/Singapore%20to%20halt"%20execution.aspx.

[64] OHCHR, "Egypt must halt executions, say United Nations human rights experts", 26 January 2018. Available at https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22613.

[65] OHCHR, "Iran must halt execution of Ramin Hossein Panahi, say United Nations rights experts", 18 June 2018; "United Nations rights experts call on Iran to annul death sentence against academic and free him", 20 December 2017. Available at, respectively, https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=23208&LangID=E and http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22556&LangID=E.

[66] OHCHR, "End of visit statement of the Special Rapporteur on extrajudicial, summary or arbitrary executions on her visit to Iraq", 24 November 2017. Available at https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22452&LangID=E.

[67] Ravina Shamdasani, Spokesperson for the United Nations High Commissioner for Human Rights, press briefing notes on Guatemala and the Sudan, 18 May 2018. Available at https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23101&LangID=E.

[68] See https://spcommreports.ohchr.org/TMResultsBase/DownLoadPublicCommunicationFile?gId=23639).

International Covenant on Civil and Political Rights.[69] According to the Special Rapporteur on extrajudicial, summary or arbitrary executions, the imposition of the death penalty, especially on civilians, by military courts and tribunals represents a worrying trend. Experience has shown that military or other special jurisdictions are often ill-suited to ensuring full compliance with fair trial standards, respect for which is of particularly crucial importance in capital cases (A/67/275, para. 33, and E/CN.4/1996/40, para. 107). The Special Rapporteur on the independence of judges and lawyers called on States to adopt specific norms that expressly exclude civilians from investigation and prosecution by military tribunals (A/HRC/35/31, para. 101, and A/68/285, para. 89).

30. In Pakistan, the Parliament extended the original two-year tenure of military courts to try civilians suspected of terrorism-related offences.[70] The Human Rights Committee recommended that Pakistan should, as a matter of priority, take all measures necessary to ensure that the death penalty is not imposed by military courts, in particular against civilians (CCPR/C/PAK/CO/1, paras. 18 and 24). In April 2018, United Nations special procedures mandate holders called for the retrial of four men sentenced to death by a Bahraini military court and welcomed the fact that the King of Bahrain had commuted the death sentence to life in prison.[71]

31. The Human Rights Committee noted with regret that a significant number of people have been sentenced to death in Cameroon, including by military courts, in the context of counter-terrorism, and recommended that Cameroon ensure that all persons be given a fair trial (CCPR/C/CMR/CP/5, para. 24). OHCHR expressed its deepest concern at death sentences issued by a "field military court" in the State of Palestine (Gaza), noting that the conviction and sentence are final, allowing no possibility of appeal or plea of clemency, in violation of international law.[72]

## C. Prohibition of extradition, expulsion or deportation to countries where there is a risk of the person being subjected to the death penalty

32. The Committee against Torture adopted general comment No. 4 (2017) on the implementation of article 3 in the context of article 22, which includes non-exhaustive examples of human right situations that may constitute an indication of a risk of torture to which States should give consideration in their decisions on removal of a person from their territory and when applying the principle of non-refoulement. States parties should consider, inter alia, whether the person concerned would be deported to a State: where the death penalty is in force and considered as a form of torture or cruel, inhuman or degrading treatment or punishment by the deporting State party, in particular if the deporting State party has abolished the death penalty or established a moratorium on its use; where the death penalty would be imposed for crimes that are not considered by the deporting State to be the most serious crimes; or where the death penalty is carried out for crimes committed by person under the age of 18 years or on pregnant women or nursing mothers or persons who have a severe psychosocial

[69] Human Rights Committee, general comment No. 32 (2007) on the right to equality before courts and tribunals and to a fair trial, para. 22.

[70] Constitution (Twenty-eighth Amendment) Act, 2017; Pakistan Army (Amendment) Act, 2017.

[71] OHCHR, "Bahrain: United Nations rights experts condemn military court convictions, cite torture allegations", 30 April 2018. Available at http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=23010&LangID=E.

[72] OHCHR, "Gaza death sentences illegal", 23 May 2017. Available at http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21653&LangID=E.

or intellectual disability[73]. The Committee also recalled that non-compliance with interim measures of protection regarding deportations constitutes a breach of article 22 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[74] and that diplomatic assurances should not be used to undermine the principle of non-refoulement.[75]

33. The Office of the United Nations High Commissioner for Refugees (UNHCR) reported on the international protection needs of asylum seekers at risk of facing the death penalty, for example, with regard to people fleeing the Syrian Arab Republic[76] and for persons upon whom the death penalty could be imposed on the basis of legislation criminalizing the exercise of fundamental freedoms, such as freedom of expression.[77] In 2016, UNHCR advised against returns to Iraq given that, in areas in Iraq under the de facto control of Islamic State in Iraq and the Levant (ISIL), the group implements their strict interpretation of sharia, which includes crimes that are punishable by death.[78]

34. In their submissions, some States reported that extradition will not be granted for an offence that is punishable by death under the law of the requesting country, unless assurances are given that are considered sufficient that the death penalty will not be carried out (Azerbaijan, Ireland and Russian Federation) or will be commuted (Colombia). The Australian judiciary considered cases where persons alleged a real risk of significant harm if they were returned to a country where they could face the death penalty; and in its analysis considered the voting patterns of the particular State at the General Assembly, as well as public statements made by the Head of State.[79] In May 2018, the European Court of Human Rights found a violation of article 6 (1) of the European Convention on Human Rights because Romania had assisted in the applicant's transfer from its territory "in spite of a real risk that he could face a flagrant denial of justice" and "be subjected to the death penalty".[80] According to the Court, the European Convention requires the Government to remove that risk by seeking assurances from the receiving authorities that the individual will not be subjected to the death penalty.

[73] Committee against Torture, general comment No. 4 (2017) on the implementation of article 3 in the context of article 22, para. 29.

[74] Ibid., para. 37.

[75] Ibid., para. 20; CAT/C/ARG/CO/5-6, para. 33.

[76] Office of the United Nations High Commissioner for Refugees (UNHCR), "International protection considerations with regard to people fleeing the Syrian Arab Republic: update V" (2017). Available at http://www.refworld.org/docid/59f365034.html.

[77] UNHCR, "News comment by UNHCR's spokesperson, Cecile Pouilly, on the return of Mr James Gatdet Dak to South Sudan", 4 November 2016. Available at http://www.unhcr.org/news/press/2016/11/581ca3924/news-comment-unhcrs-spokesperson-cecile-pouilly-return-mr-james-gatdet.html.

[78] UNHCR, "UNHCR position on returns to Iraq", 2016. Available at http://www.refworld.org/docid/58299c694.html, para. 17.

[79] *BTW17 v. Minister for Immigration and Border Protection (2018); AHQ17 v. Minister for Immigration and Border Protection* (2017) (submission from Monash University Castan Centre for Human Rights Law).

[80] *Al Nashiri v. Romania*, application No. 33234/12, 31 May 2018.

# VI. Prohibition of the use of the death penalty against children, persons with mental or intellectual disabilities, and disproportionate impact on foreign nationals, including migrant workers

## A. Children

35. In its resolution 71/187, the General Assembly called upon all States to progressively restrict the use of the death penalty and not to impose capital punishment for offences committed by persons below 18 years of age. In some States, legislation allows for the application of the death penalty to individuals accused of committing a crime while under the age of 18 years, in violation of article 6 of the International Covenant on Civil and Political Rights and article 37 of the Convention on the Rights of the Child.[51] During the reporting period, juvenile offenders reportedly remained on death row in Bangladesh,[52] the Islamic Republic of Iran,[53] Iraq,[54] Maldives,[55] Pakistan (CCPR/C/PAK/CO/1, para. 17) and Saudi Arabia (CRC/C/SAU/CO/3-4, para. 20).[56] Only a very small number of States are believed to have executed juveniles during the reporting period.[57]

## B. Persons with mental or intellectual disabilities

36. In its resolution 71/187, the General Assembly called upon all States to progressively restrict the use of the death penalty and not to impose capital punishment for offenses on persons with mental or intellectual disabilities. The Human Rights Committee and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment have underlined that the death penalty should not be imposed on persons with psychosocial or intellectual disabilities,[58] and this prohibition is firmly rooted in the customs and practices of most legal systems (A/HRC/36/26, para. 50).

---

[51] Child Rights International Network, "The death penalty - inhuman sentencing of children". Available at http://www.crin.org/en/home/campaigns/inhuman-sentencing/problem/death-penalty

[52] Amnesty International, "Executions of juveniles since 1990 as of March 2018" (2018). Available at https://www.amnesty.org/download/Documents/ACT5038322016ENGLISH.PDF.

[53] A/HRC/37/68, para. 19; Amnesty International, "Imposition of the death penalty on persons younger than 18 years of age at the time of the offence and on persons with mental or intellectual disabilities", 27 April 2018. Available at https://www.amnesty.org/download/Documents/ACT5083102018ENGLISH.PDF.

[54] OHCHR, "End of visit statement of the Special Rapporteur on extrajudicial, summary or arbitrary executions on her visit to Iraq", 24 November 2017. Available at http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22452&LangID=E.

[55] OHCHR, "United Nations expert urges Maldives to step back from 'imminent' death penalty return", 3 August 2017. Available at https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21936&LangID=E.

[56] Amnesty International, "Imposition of the death penalty on persons younger than 18 years of age at the time of the offence and on persons with mental or intellectual disabilities".

[57] Ibid.

[58] CCPR/C/74/D/684/1996, CCPR/C/PAK/CO/1, para. 18 (c); A/67/279, para. 58; see also Economic and Social Council resolution 1984/50 (Safeguards guaranteeing protection of the rights of those facing the death penalty); Economic and Social Council resolution 1989/64 (Implementation of the safeguards guaranteeing protection of the rights of those facing the death penalty); A/HRC/37/25.

37. A number of States have adopted legislation providing that persons who develop mental illnesses after sentencing are exempt from execution.[89] During the reporting period, the Supreme Court of the United States granted an indigent defendant the right to a court-provided independent mental health expert[90] and declared unconstitutional the practice used in Texas for evaluating intellectual disability.[91]

38. Despite progress in some States, individuals with mental or intellectual disabilities reportedly were under sentence of death in several other countries, including Ghana, the Islamic Republic of Iran, Japan, Maldives, Pakistan, Singapore and the United States.[92] Some States have no legal provisions prohibiting the execution of persons with mental or intellectual disabilities;[93] and few have implemented practices that fully protect this category of persons, notably addressing the situation of persons who develop mental illnesses after sentencing.[94]

## C. Foreign nationals, including migrant workers

39. In its resolution 71/187, the General Assembly called upon all States to comply with their obligations under article 36 of the Vienna Convention on Consular Relations, particular the right to receive information on consular assistance. The competent authorities must inform the persons concerned of their right to contact the relevant consular post and, if those persons so request, notify the consular services of those who have been deprived of their liberty, in accordance with the Vienna Convention on Consular Relations. Compliance with these rights is of particular importance in the capital context in facilitating access from an early point in the criminal process to adequate legal representation and the full exercise of due process rights.

40. In his report to the Human Rights Council, the Secretary-General stated that low-income individuals and foreign nationals were often unable to access effective legal representation, as legal aid services were generally limited or inadequate. They therefore might not be able to exercise their right to equal protection before the law (A/HRC/36/26). United Nations special procedures mandate holders highlighted that migrants face multiple obstacles in effectively challenging charges made against them, including unfamiliarity with legal language and procedures, limited awareness of their rights, financial constraints and the possible lack of a supportive social network. They may also face bias by judges, police officers and investigators, which can influence the verdict against them and leave them at increased risk of receiving the death sentence.[95]

---

[89] Submission from Cornell Center on the Death Penalty Worldwide referring to Algeria, Antigua and Barbuda, Cuba, Ethiopia, Guatemala, Japan, Jordan, Syrian Arab Republic, Tajikistan and Thailand.

[90] *McWilliams v. Dunn* (2017).

[91] *Moore v. Texas* (2017).

[92] Submissions from Justice Project Pakistan; The Advocates for Human Rights-Iran Human Rights-Ensemble contre la peine de mort; Death Penalty Information Center, "The death penalty in 2017: year end report", referring to data compiled by the Fair Punishment Project. Available at https://deathpenaltyinfo.org/documents/2017YrEnd.pdf. Amnesty International, "Imposition of the death penalty on persons younger than 18 years of age at the time of the offence and on persons with mental or intellectual disabilities"; "Amnesty International global report: death sentences and executions 2017".

[93] Submissions from Justice Project Pakistan; Cornell Center on the Death Penalty Worldwide.

[94] Submission from Cornell Center on the Death Penalty Worldwide.

[95] OHCHR, "Death penalty disproportionately affects the poor, United Nations rights experts warn", 6 October 2017. Available at http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22208&LangID=E; A/70/304, paras. 76–77.

41. In 2017, the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families recommended that Indonesia ensure "that consular and diplomatic missions are adequately staffed and that staff are properly trained in a human rights-based approach to dealing with all issues faced by migrant workers", including the death penalty (CMW/C/IDN/CO/1, para. 37). The Human Rights Committee noted with concern "the large number of Pakistani migrant workers who have been sentenced to death and executed overseas and the reportedly insufficient consular and legal services made available to them" (CCPR/C/PAK/CO/1, para. 17). It stated that Pakistan should, as a matter of priority, take all measures necessary to ensure that Pakistani migrant workers sentenced to death overseas are provided "with sufficient legal and consular services throughout their legal proceedings" (ibid., para. 18). The Committee on the Elimination of Racial Discrimination was concerned by the "disproportionally high representation of migrants" (CERD/C/SAU/CO/4-9, para. 17) among those sentenced to death in Saudi Arabia. It recommended that Saudi Arabia conduct "a study on the root causes of the overrepresentation of migrant workers in the criminal justice system with a view to addressing those causes" (ibid., para. 18).

42. In Malawi, further to a decision that declared the mandatory death penalty unconstitutional,[96] the High Court conducted a review of sentences, a number of which were imposed on foreign nationals who had not been afforded access to consular assistance on arrest. In one case, the Court held that a violation of article 36 of the Vienna Convention was so serious a breach of the prisoner's rights that the imposition of a death sentence would be "unsustainable".[97] The Ombudsman of Romania reported that it had "proceeded ex officio" in a case of a Romanian national sentenced to death in Malaysia,[98] while Argentina reported that it was working actively with regard to a national on death row in Texas.[99] Mexico reported that, as at February 2018, 53 Mexicans remained sentenced to death in the United States, of whom 32 had been the subject of the *Avena* case.[100] In November 2017, one of the 32 individuals who had been part of the *Avena* case was executed. United Nations special procedures mandate holders had called on the United States to halt his execution amid concerns, notably that at the time of his arrest he was not informed of his right to seek consular assistance.[101] Mexico reported that its legal assistance programme, the Mexican Capital Legal Assistance Programme, continued to ensure legal representation in pretrial court proceedings, appeals and post-sentencing in death penalty cases involving Mexican nationals abroad.[102]

43. The Special Rapporteur on extrajudicial, summary or arbitrary executions had concluded that since "the provision of consular assistance can materially diminish the likelihood of the imposition of a death sentence, a State that does not take all reasonable steps to provide adequate consular assistance could arguably be said to have failed in its duty of due diligence to protect its nationals from arbitrary deprivations of life" (A/70/304, para. 119).

[96] *Kafantayeni and others v. Attorney General of Malawi* (2007).

[97] *Republic v. Lameck Bandawe Phiri*, sentence re-hearing, Case No. 25 of 2017 (joint submission from Reprieve and Cornell Center on the Death Penalty Worldwide).

[98] Submission from the Ombudsman of Romania.

[99] Submission from Argentina.

[100] *Avena and Other Mexican Nationals (Mexico v. United States of America), Judgment, I.C.J. Reports 2004*, p. 12.

[101] OHCHR, "United Nations experts urge United States to halt Texas execution of Mexican Ruben Cardenas Ramirez", 6 November 2017. Available at https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22360&LangID=E?NewsID=22360&LangID=E.

[102] Submission from Mexico.

## VII. Disproportionate and discriminatory application of the death penalty to women

44. The Committee on the Elimination of Discrimination against Women adopted general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19, in July 2017, in which it recalled the General Assembly resolutions supporting a moratorium on the use of the death penalty and recommended that States parties repeal any criminal provisions that affect women disproportionally, including those resulting in the discriminatory application of the death penalty to women.

45. The Special Rapporteur on extrajudicial, summary or arbitrary executions recalled that the imposition of the death penalty amounts to an arbitrary killing in cases where the courts have ignored essential facts of a capital defendant's case and that the death penalty must not be imposed in a discriminatory manner, or when the personal circumstances of the case, such as a long history of domestic violence, have not been fully taken into account during the proceedings, including at the time of sentencing (A/HRC/35/23). Women facing capital prosecution arising out of domestic violence suffer from gender-based oppression on multiple levels. For instance, it is exceedingly rare for domestic violence and sexual violence to be treated as a mitigating factor during capital sentencing proceedings. Even in those countries with discretionary capital sentencing, courts often ignore or discount the significance of gender-based violence. The Special Rapporteur has argued that the imposition of the death penalty against clear evidence of self-defence constitutes an arbitrary killing (ibid., para. 44). This is particularly important for women charged with murder in contexts of domestic and sexual violence.

46. The Special Rapporteur highlighted that women migrant workers are particularly at risk. Migrant women facing the death penalty abroad are disproportionately affected by the death penalty because of unfamiliarity with the laws and procedures, inadequate or low-quality legal representation, insufficient knowledge of the language and lack of a support network. The Special Rapporteur has further noted that under these circumstances, the application of the death penalty against migrant women amounts to arbitrary killing (ibid., para. 43). In 2017, United Nations special procedures mandate holders urged the United Arab Emirates to prevent the execution of a woman. They noted that discriminatory treatment by criminal courts, in particular of migrant women who are not provided with interpretation services and quality legal aid seems to have led to disproportionately severe sentences in the United Arab Emirates.[103]

47. The Indonesian National Commission on Violence against Women conducted a review of women facing the death penalty, which revealed that the majority of women on death row are victims of gender-based violence and that female domestic workers are targeted by international drug smuggling and human trafficking syndicates, unknowingly made into drug mules by perpetrators who exploit the women's layered vulnerabilities.[104] Ongoing research indicates that the women most likely to be sentenced to death belong to one or more vulnerable or marginalized groups; and the

[103] OHCHR, "United Nations experts urge United Arab Emirates to quash the death sentence against a woman migrant domestic worker", 30 March 2017. Available at http://ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21462&LangID=E.

[104] Indonesian National Commission on Violence against Women, "Violence against women and right to life" (Jakarta, 2017). Available at http://en.komnasperempuan.go.id/read-news-komnas-perempuan-submission-on-right-to-life.

offences for which women most frequently receive death sentences are non-violent drug offences and murder, often in the context of gender-based violence.[105]

## VIII. Disproportionate impact of the use of the death penalty on poor or economically vulnerable individuals and discriminatory use of the death penalty against minorities

48. In States that still maintain the death penalty, its application must be in a manner consistent with all other provisions of the International Covenant on Civil and Political Rights, in particular the right to a fair trial, as provided in article 14, and the non-discrimination requirements of articles 2 (1) and 26. Under article 26 of the Covenant, all persons are equal before the law and are entitled to equal protection without any discrimination. The Human Rights Council called upon States to undertake further studies to identify the underlying factors that contribute to the substantial racial and ethnic bias in the application of the death penalty, where they exist, with a view to developing effective strategies aimed at eliminating such discriminatory practices (Human Rights Council resolution 36/17).

49. In his report to the Human Rights Council, the Secretary-General highlighted that low-income individuals were often unable to access effective legal representation, as legal aid services were generally limited or inadequate. That means that they may not be able to exercise their right to equal protection before the law. Therefore, they may be less likely to mount an effective defence in capital cases and so are disproportionately subjected to the death penalty (A/HRC/36/26 and A/70/304, paras. 85–87). On the occasion of the World Day against the Death Penalty, United Nations special procedures mandate holders highlighted that the death penalty disproportionally affects the poor, while poverty also compounds obstacles that vulnerable and disadvantaged groups in society are already facing. In many countries, this especially includes people of African descent, as well as others who are discriminated against on the basis of their gender, ethnicity, race or migration status. The experts also noted that poverty continues to affect prisoners — and their families — even after they reach death row.[106]

50. The Special Rapporteur on extreme poverty and human rights, after his country visit to Ghana, highlighted that "lack of effective legal representation is especially problematic in death penalty cases" and that "the prisoners affected are overwhelmingly poor".[107]

51. United Nations human rights mechanisms also addressed the use of the death penalty on persons exercising their rights to freedom of religion and expression. Special procedures mandate holders urged the de facto authorities in Sana'a to annul a death sentence handed down against a follower of the Baha'i faith. They expressed their concern that he had been sentenced to death purely on the grounds of his religion.[108]

[105] Submission from Cornell Center on the Death Penalty Worldwide.

[106] OHCHR, "Death penalty disproportionately affects the poor, United Nations rights experts warn", 6 October 2017. Available at http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22208&LangID=E.

[107] United Nations Special Rapporteur on extreme poverty and human rights, statement on visit to Ghana, 18 April 2018. Available at https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=22951&LangID=E.

[108] OHCHR, "Death sentence of Baha'i follower in Yemen must be quashed: United Nations rights experts", 25 January 2018. Available at http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22611&LangID=E.

# IX. International and regional initiatives relating to the implementation of General Assembly resolution 71/187

## A. Human Rights Council

52. The Human Rights Council held a biennial high-level panel discussion on the question of the death penalty on 1 March 2017, including to "continue the exchange of views on the question of the death penalty and to address violations related to the use of the death penalty, in particular with respect to the prohibition of torture and other cruel, inhuman or degrading treatment or punishment". The panellists "recommended that the Human Rights Council request a comprehensive legal study on the emergence of a customary norm prohibiting the use of the death penalty under all circumstances".[109]

53. Furthermore, United Nations special procedures mandate holders monitored the application of international human rights standards for the protection of rights of those facing the death penalty. During the universal periodic review, States formulated recommendations related to the death penalty, for example, in relation to Ghana, Indonesia, the United Arab Emirates, Zambia and Zimbabwe.[110]

## B. Office of the High Commissioner for Human Rights

54. The priorities of OHCHR for the period 2018–2021 include a commitment to undertake strategic advocacy and strengthen partnerships to promote the abolition of the death penalty and, pending its abolition, promote moratoriums and increased adherence to international human rights law.[111] During the reporting period, OHCHR convened an expert consultation on discrimination and the death penalty (A/HRC/36/26); and a regional event on the death penalty and drug-related offences in South-East Asia (Bangkok, February 2018). OHCHR organized and participated in meetings and side events in Geneva and New York,[112] as well as at the Commission on Narcotic Drugs and the tenth International Congress of Justice Ministers (organized by the Ministry of Foreign Affairs and International Cooperation of Italy, the Government of Switzerland and the Community of Sant'Egidio).

55. OHCHR also continued to monitor the application of the death penalty and provided support to advancing its abolition, including with regard to the following States: Barbados, Belarus, Iran (Islamic Republic of), Iraq, Malaysia, Maldives, Mauritania, Pakistan, Philippines, Saudi Arabia, United States of America and State of Palestine (A/HRC/37/3).

## C. Regional initiatives

56. The African Commission on Human and Peoples' Rights adopted a resolution in which it urged those States parties that have established a moratorium on executions to undertake further practical steps towards the abolition of the death

[109] A/HRC/36/27. OHCHR, "Human Rights Council holds biennial high-level panel discussion on the death penalty", 1 March 2017. Available at http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21261&LangID=E.

[110] A/HRC/36/7, A/HRC/34/8, A/HRC/37/7, A/HRC/37/14, A/HRC/38/14.

[111] OHCHR, "United Nations human rights management plan 2018–2021" (Geneva, 2018). Available at http://www2.ohchr.org/english/ohchrreport2018_2021/OHCHRManagementPlan2018-2021.pdf.

[112] See, for example, United Nations, "'The death penalty has no place in the 21st century': United Nations chief Guterres", 10 October 2017. Available at https://news.un.org/en/story/2017/10/568172-death-penalty-has-no-place-21st-century-un-chief-guterres#.

penalty, in accordance with their regional and international legal obligations, by reinforcing their moratoriums and by encouraging judicial authorities to refrain from imposing the death penalty. It also urged those States parties that have not already abolished the death penalty to immediately establish a moratorium on executions and to adopt measures aimed at the full abolition of the death penalty.[113]

57. Ensemble contre la peine de mort, in partnership with the National Human Rights Commission of Côte d'Ivoire, the International Federation of Action by Christians for the Abolition of Torture and the World Coalition against the Death Penalty organized the first African Regional Congress against the Death Penalty.[114]

58. The Council of Europe and the European Union issued a joint statement reaffirming their strong and unequivocal opposition to capital punishment in all circumstances and for all cases.[115] The Alliance for Torture-Free Trade was launched as an initiative of Argentina, Mongolia and the European Union.[116] It aims to end the trade in goods used for capital punishment and to make it significantly more difficult to obtain products intended for carrying out the death penalty.[117] The Organization for Security and Cooperation in Europe published a background paper on the status of the death penalty in its participating States.[118] The Intergovernmental Commission on Human Rights of the Association of Southeast Asian Nations conducted a study on the right to life and conditions of detention on death row, due to be finalized in 2018.

## X. Conclusions and recommendations

59. **I welcome the considerable progress made towards the universal abolition of the death penalty since the adoption of General Assembly resolution 71/187 and commend the efforts of the Member States that took measures towards abolition. The overall number of executions worldwide has decreased. I welcome the initiatives of States that have reduced the number of offences punishable by death, as well as the removal of the mandatory death penalty in a number of States. I particularly commend States that have ratified or acceded to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.**

60. **Serious challenges still remain. Some States have resumed executions or continue to use the death penalty for offences that do not meet the threshold of the "most serious crimes". Even in States that have imposed a moratorium on executions, death sentences continue to be handed down. I remain convinced that there is no evidence that the death penalty deters crime more than other forms of punishment. Curbing crime requires a strong focus on strengthening the justice system, so that it complies with international human rights law and is**

[113] African Commission on Human and Peoples' Rights resolution on the right to life in Africa, No. 375 (LX) 2017.

[114] Together against the Death Penalty/Ensemble contre la peine de mort, "Final declaration of the African Congress", 10 April 2018. Available at http://www.ecpm.org/en/final-declaration-of-the-african-congress/.

[115] See joint declaration by the European Union High Representative for Foreign Affairs and Security Policy and the Secretary General of the Council of Europe on the European and World Day against the Death Penalty, 10 October 2017. Available at https://rm.coe.int/joint-declaration-eu-coe-world-day-against-the-death-penalty/168075ab18.

[116] OHCHR, "Death penalty and transparency: what's to hide?", 26 October 2017. Available at http://www.ohchr.org/EN/NewsEvents/Pages/DeathPenaltyandTransparency.aspx.

[117] Submission from Argentina, Global Alliance to end trade in goods used for capital punishment and torture, political declaration, 18 September 2017. Available at http://torturefreetrade.org/documents/170918_Political-Declaration-Torture-Free.pdf.

[118] OSCE Office for Democratic Institutions and Human Rights, *The Death Penalty in the OSCE Area*

more effective and humane. I therefore urge States that have abolished the death penalty not to reintroduce it.

61. States with moratoriums should maintain and strengthen their policies against the death penalty. Moratoriums are useful transition tools towards abolition. Moving to an official moratorium requires leadership and political courage, and entails more than the cessation of executions. Pending abolition, national prosecutors may consider refraining from seeking the death penalty, and judges may consider not imposing it. States should consider using the constitutional and/or legal authority to commute or pardon death sentences. Formal abolition should ideally be reflected in an explicit outlawing of the death penalty. I encourage States to ratify or accede to the Second Optional Protocol to the International Covenant on Civil and Political Rights.

62. The support of abolitionist States is crucial, and I call upon them, especially those that have abolished the death penalty recently, to support all States in moving away from the death penalty, by sharing good practices and experiences. Retentionist States should systematically and publicly provide full and accurate data on death sentences, including information on the characteristics of convicted and executed persons and the crimes with which they are charged. Disaggregated data, including on gender, age, nationality and other relevant characteristics of the persons affected, are necessary to ensure compliance with international human rights standards. The use of the death penalty without the requisite transparency casts doubt on the compliance with international human rights standards.

63. Pending abolition, States must adhere to the strict limits and guarantees provided for in international human rights law. In particular, as stipulated in article 6 (2) of the International Covenant on Civil and Political Rights on the right to life, the imposition of the death penalty is limited to the "most serious crimes", that is, intentional killing. Accordingly, the death penalty must not be imposed for drug offences, consensual same-sex activities, adultery, sodomy, blasphemy or so-called "religious crimes". Even in the case of the most serious crimes, the death penalty should not be mandatory. States must also adhere to fair trial guarantees.

64. Pending abolition, States that retain the death penalty must ensure that it is not applied on the basis of discriminatory laws or as a result of discriminatory or arbitrary application of the law. In particular, I urge States to repeal any criminal provisions that result in the discriminatory and disproportionate application of the death penalty to women.

65. States that still retain the death penalty must ensure that it is never imposed on juvenile offenders. Persons who have been sentenced to death for crimes committed when they were under the age of 18 years should be resentenced to a lesser sentence. I call on States to ensure that laws and sentencing guidelines are developed or amended to prohibit the unlawful sentencing and execution of persons with mental or intellectual disabilities.

66. International standards that provide safeguards guaranteeing protection of the rights of those facing the death penalty, in particular the minimum standards, make it clear that people must receive a fair trial, including the right to adequate legal assistance, at all stages. States must ensure that foreign nationals are informed of their right to receive information on consular assistance and, if those persons so request, notify consular services, in accordance with the *Vienna Convention* on Consular Relations.

United Nations A/73/261

General Assembly

Distr.: General
27 July 2018
English
Original: Spanish

**Seventy-third session**
Items 61 and 63 of the provisional agenda*

**Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples by the specialized agencies and the international institutions associated with the United Nations**

**Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples**

## Note verbale dated 16 July 2018 from the Permanent Mission of Cuba to the United Nations addressed to the Secretary-General

The Permanent Mission of the Republic of Cuba to the United Nations has the honour to transmit herewith the Declaration of the Cuban United Nations Association in solidarity with Puerto Rico, adopted on 1 June 2018 (see annex).

The Permanent Mission of Cuba to the United Nations kindly requests the Secretary-General to have the present note verbale and its annex circulated as a document of the General Assembly, under agenda items 61 and 63.

* A/73/150.

18-12509 (E) 070818 090818

Please recycle

## Annex to the note verbale dated 16 July 2018 from the Permanent Mission of Cuba to the United Nations addressed to the Secretary-General

## Declaration of the Cuban United Nations Association in solidarity with Puerto Rico

The Cuban United Nations Association, a Cuban non-profit non-governmental organization founded on 30 May 1947 in accordance with the principles and purposes of the World Federation of United Nations Associations, with which it is affiliated, has had special consultative status with the Economic and Social Council of the United Nations since 1999. It attends the United Nations Annual Conference of the Department of Public Information for Non-Governmental Organizations and represents brings together 105 Cuban civil society member organizations that cooperate and work together to defend firmly the principles and purposes of the Charter of the United Nations and support the just causes of peoples.

On the basis of these principles we reaffirm solidarity with the Puerto Rican people and their inalienable right to self-determination and independence, in accordance with resolution 1514 (XV) of the General Assembly. We join the international call for the independence of Puerto Rico, which struggles to free itself of the shameful colonialism imposed by the United States of America, disguised under the name of a commonwealth, without any freedom or right to decide on the destiny of the country.

The people of Puerto Rico, in accordance with the purposes and principles of the Charter of the United Nations and the rules established by international law, have not been able to exercise their right to self-determination since the establishment of the so-called commonwealth, which masks the colonial exploitation to which they are still subjected.

There is fresh concern, because the United States Congress, invoking its plenary powers under the Territorial Clause of the United States Constitution, imposed in June 2016 a Financial Oversight and Management Board for Puerto Rico (fiscal oversight board), appointed by the President of the United States to exercise plenary control powers over the elected executive and legislative officials of the Government of Puerto Rico in all issues relating to fiscal, economic and budgetary matters, as well as all that concerns the restructuring of the public debt of Puerto Rico, all of which aggravates the colonial situation in the country,

The people of Puerto Rico suffer and are neglected. The economic and financial crisis faced by that nation is becoming more serious. The present political subordination of the Puerto Rican people impedes sovereign decision-making regarding the humanitarian crisis caused by the effects of Hurricanes Irma and Maria, which have aggravated the already serious economic and social problems, resulting in increased levels of poverty in Puerto Rico from 45 per cent to around 60 per cent of the population, which has caused mass migration and seriously affected efforts to achieve sustainable economic development,

The persecution and repressive actions undertaken on 1 May 2018 by police forces against peaceful marches of men, women and children demanding that their needs be met and their rights respected left dozens of persons wounded, violating the right to freedom of expression of citizens.

In the interests of contributing to the fulfilment of the aims and purposes of the Charter of the United Nations, and to express solidarity and support for just causes and denounce instances of human rights violations that affect people in a systematic

manner, the Cuban United Nations Association demands that the Government of the United States comply with the decisions of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples of the United Nations in order to allow the people of Puerto Rico to engage in a process of self-determination on its future as an independent and sovereign nation, as set out in resolution 1514 (XV) of the United Nations General Assembly on the Declaration on the Granting of Independence to Colonial Countries and Peoples.

We reiterate our support for the call by the Community of Latin American and Caribbean States to focus on a solution for the decolonization of Puerto Rico, as befits this Caribbean nation, so that it may eventually become a sovereign and independent Puerto Rico.

Havana, 1 June 2018

United Nations A/73/262

General Assembly

Distr.: General
27 July 2018

Original: English

**Seventy-third session**
Item 74 (b) of the provisional agenda*
**Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms**

# Report of the Special Rapporteur on the right to education

## Note by the Secretary-General

The Secretary-General has the honour to transmit to the General Assembly the report of the Special Rapporteur on the right to education, Koumbou Boly Barry, submitted in accordance with Human Rights Council resolutions 8/4 and 26/17. In her report, the Special Rapporteur focuses on the right to education for refugees.

* A/73/150.

18-12468 (E) 220818

Please recycle

# Report of the Special Rapporteur on the right to education

*Summary*

In the present report, the Special Rapporteur reviews the situation of refugees with regard to the right to education, in particular in the context of achieving the Sustainable Development Goals. Reports on the broader issue of education in emergencies were presented to the Human Rights Council (A/HRC/8/10) and the General Assembly (A/66/269) by previous incumbents. The Special Rapporteur considers that it is relevant to follow-up on the issue in today's context. She touches on the specific challenges refugees face in their quest for quality education at all levels, reflects on some best practices and innovations set in place in countries and proposes recommendations to overcome challenges in this area. The Special Rapporteur concludes by calling upon States to ensure access to inclusive quality education for refugees in line with Goal 4 of the Sustainable Development Goal, by mainstreaming this in their national plans and strategies.

# Contents


| | | Page |
|---|---|---|
| I. | Introduction | 4 |
| II. | Activities undertaken during the reporting period | 4 |
| III. | Background | 5 |
| IV. | International law and agreements providing for the education of refugees | 6 |
| | A. International law | 6 |
| | B. Member State pledges at the Leaders' Summit on the Global Refugee Crisis | 8 |
| V. | National perspectives | 10 |
| VI. | Refugee education: issues and challenges | 11 |
| | A. Primary and secondary education | 11 |
| | B. Tertiary education and vocational training | 12 |
| | C. Access, delivery and quality in refugee education | 12 |
| | D. Teachers | 13 |
| | E. Curriculum choice | 14 |
| | F. Bureaucracy as a barrier to refugee education | 14 |
| | G. Poverty and child labour as a barrier to refugee education | 15 |
| | H. Barriers to the education of refugee girls | 16 |
| | I. Financing of education of refugees | 16 |
| VII. | Best practices and innovative solutions | 17 |
| | A. Best practices | 17 |
| | B. Innovative solutions | 20 |
| VIII. | Conclusions and recommendations | 21 |
| | A. Conclusions | 21 |
| | B. Recommendations | 22 |

# I. Introduction

1. The present report is submitted pursuant to Human Rights Council resolutions 8/4 and 35/2. In the report, the Special Rapporteur focuses on the situation of refugee and the right to education, and addresses the importance of equal access of refugees to quality education at all levels.

2. The issue of refugees is linked to the economic, political and social dynamics of humanity and has always been an intricate part of world history. Refugees are persons who have fled their country because of a risk of violence or persecution, including in the event of their return home. Of the world's nearly 25.4 million refugees, over half are under the age of 18, including many who are unaccompanied or separated from their families.[1] In total, 58 per cent of refugees live in urban areas, as opposed to camps or rural areas.[2] As the Special Rapporteur indicated in her previous report to the General Assembly (A/72/496), the average time that a refugee spends in exile is about 20 years. A total of 85 per cent of the world's refugees are hosted in developing regions, with more than one quarter in least developed countries, a fifth of whom are Palestinians under the care of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA). Of the remainder, for whom the Office of the United Nations High Commissioner for Refugees (UNHCR) is responsible, two thirds come from just five countries: the Syrian Arab Republic, Afghanistan, South Sudan, Myanmar and Somalia.[3] Some refugee camps remain in existence for decades, with some refugees having children and even grandchildren born there. Those children have no access to the school system of the country from which they have fled and, unfortunately, not all countries that host refugee populations make provisions for the education of refugee children, adolescents or adults.[4]

3. In the present report, the Special Rapporteur considers the challenges refugees face in their efforts to continue their education in host countries. She also highlights State engagement, as well as the best practices and innovative solutions being implemented by States, organizations and other stakeholders involved in the education of refugees, and makes recommendations to the main stakeholders.

# II. Activities undertaken during the reporting period

4. During the period since her previous report to the Assembly, the Special Rapporteur presented to the Human Rights Council at its thirty-eighth session a thematic report on governance and accountability and the right to education (A/HRC/38/32). In the report, she considered how the right to education should be mainstreamed by incorporating a rights-based approach that would ensure not only non-discrimination and equitable access for all, but also that those who were hardest to reach, including members of vulnerable groups, were prioritized, even if such decisions were counter to the traditional emphasis on efficiency.

5. The Special Rapporteur participated in a number of public events on education and continued to collaborate with States, international organizations and non-governmental organizations (NGOs).

---

[1] www.unhcr.org/figures-at-a-glance.html?query=over%20half%20are%20under%20the%20age%20of%2018.

[2] www.unhcr.org/en-us/news/press/2018/6/5b27c2434/forced-displacement-above-68m-2017-new-global-deal-refugees-critical.html.

[3] Ibid.

[4] http://educateachild.org/explore/barriers-to-education/refugees.

6. The Special Rapporteur carried out a country mission to Côte d'Ivoire from 4 to 11 December 2017. There, she met with stakeholders and visited educational institutions in Abidjan, Bouake and Yamoussoukro. Her report on the mission was presented to the Human Rights Council at its thirty-eighth session (A/HRC/38/32/Add.1). In that report, she observed that, despite the challenges, the country was a good example in terms of law, public expenditure on education and gender inclusive policies.

7. On 26 October 2017, she participated in an online discussion hosted by the United Nations Educational, Scientific and Cultural Organization (UNESCO) to mark the launch of the Youth Report, the youth version of the Global Education Monitoring Report.

8. On 12 December 2017, the Special Rapporteur then participated via webcast in the online/digital launch of the UNESCO Youth Report.[5]

9. The Special Rapporteur also attended the Global Partnership for Education Financing Conference, held in Dakar on 1–2 February 2018.

10. From 25 to 29 March, the Special Rapporteur attended the 62nd annual Conference of the Comparative and International Education Society, held in Mexico City, on the theme "Re-mapping Global Education". There, she sat on a panel on the privatization of education in the francophone countries, and gave a presentation on the issue of States' obligations under international human rights law.

11. The Special Rapporteur recorded a video message on accountability in education that was presented at a seminar on the right to education organized by the UNESCO Chair for the Right to Education, held in Brazil on 23 April 2018.

12. On 14 June, she also participated as a panellist in an intersessional workshop on the right to peace, organized in Geneva by the Office of the United Nations High Commissioner for Human Rights.

## III. Background

13. In 2016, education in humanitarian situations in general, and for refugees in particular, became the focus of the Supporting Syria and the Region conference, the World Humanitarian Summit, the General Assembly and the Leaders' Summit on the Global Refugee Crisis. Education for refugees was also a principal driver of the establishment of Education Cannot Wait, a global fund for education in emergencies.[6]

14. As stated in the UNHCR report entitled "Left Behind: Refugee Education in Crisis",[7] the education of young refugees is crucial to the peaceful and sustainable development of the countries that have welcomed them, and to their homes when they are able to return. Yet compared with other children and adolescents around the world, the gap in opportunity for refugees is growing ever wider.

15. As the above report states, in 2016, of the 6.4 million school-age refugees under the mandate of UNHCR, only 2.9 million were enrolled in primary or secondary education. More than half of them — 3.5 million — did not attend school.

16. UNHCR estimates in the report that only 61 per cent of refugee children have access to primary education, compared with the global average of more than 91 per

[5] UNESCO, *Accountability in Education: Meeting Our Commitments* (Paris, 2017), available at http://unesdoc.unesco.org/images/0026/002606/260653e.pdf.

[6] See www.promisingpractices.online/synthesis-report/.

[7] UNHCR, *Left behind: refugee education in crisis* (Geneva), available at www.unhcr.org/59b696f44.pdf.

cent. As they get older, the gap widens: only 23 per cent of refugee adolescents — and just 9 per cent in low-income countries — are enrolled in secondary school, compared with 84 per cent globally. At the tertiary school level, despite big improvements in overall numbers thanks to investment in scholarships and other programmes, the percentage drops to just 1 per cent, compared with 36 per cent at the global level.

17. In a 2011 study,[8] UNHCR reported that education was one of the highest priorities of refugee communities. Yet UNHCR had insufficient support to guarantee the right to education for refugee children and young people. The lack of high quality and protective education for refugees stood in the way of meeting Education for All goals, of achieving durable solutions and of sustainable development and reconstruction of home and host countries.

18. At the end of 2017, approximately 85 per cent of all refugees were hosted in countries in developing regions, including Turkey, Pakistan, Uganda, Lebanon, the Islamic Republic of Iran, Bangladesh, the Sudan, Ethiopia and Jordan, many of which were already dealing with substantial barriers to sustainable development[9] and now faced additional difficulties.

19. Regardless of the challenges, the relevant international legal framework provides for the obligation of States to provide refugees with basic education.

## IV. International law and agreements providing for the education of refugees

### A. International law

20. The right to basic education for refugees is specifically guaranteed by the Convention Relating to the Status of Refugees, which states in its article 22 that refugees should have the same treatment as nationals with respect to elementary education and treatment as favourable as possible with respect to other education levels.

21. Other international treaties and instruments de facto provide protection for the right of refugees to education through an obligation to provide basic education without discrimination. For example, the UNESCO Convention against Discrimination in Education proscribes any form of discrimination, including on the basis of national or social origin, in connection with the right to education; its article 4 requires States parties to create national policies that promote equality of opportunity and of treatment in the field of education. Article 13 of the International Covenant on Economic, Social and Cultural Rights, as interpreted by the Committee on Economic, Social and Cultural Rights in its general comment No. 13 (1999) on the right to education, provides for education that is accessible to all, especially the most vulnerable groups, in law and fact, without discrimination on any basis, including race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Article 28 of the Convention on the Rights of the Child recognizes the right of the child to education on an equal basis, while article 29 explains the aims of education and article 22 specifically obliges States parties to

[8] UNHCR, *Refugee Education: a Global Review* (Geneva, 2011), available at www.unhcr.org/en-us/research/evalreports/4fe317589/refugee-education-global-review-sarah-dryden-peterson-november-2011.html.

[9] UNHCR, "Global Trends: Forced Displacement in 2017", available at www.unhcr.org/5b27be547.

take appropriate measures to ensure that refugee children enjoy applicable rights under the Convention.

22. The right to education without discrimination is also set out in regional conventions, such as: Protocol 1 (1952, art. 2) of the European Convention for the Protection of Human Rights and Fundamental Freedoms, the European Social Charter (revised) (art. 17.2); the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights (arts. 13 and 16); and the African Charter on the Rights and Welfare of the Child (art. 11).

### Sustainable Development Goal 4, the Incheon Declaration, the Inter-agency Network for Education in Emergencies Minimum Standards and the New York Declaration for Refugees and Migrants

*Sustainable Development Goal 4 and the Incheon Declaration and Framework for Action*

23. The aim of Goal 4 of the Sustainable Development Goals — one of 17 global goals aimed at ending poverty, protecting the planet and promoting prosperity for all — is to deliver inclusive and quality education for all and to promote lifelong learning.

24. The Incheon Declaration and Framework for Action,[10] adopted in May 2015 to ensure inclusive and equitable quality education and promote lifelong learning opportunities for all, explicitly commits in its paragraph 11 to developing more inclusive, responsive and resilient education systems to meet the needs of children, young people and adults in the context of conflict and crisis, including internally displaced persons and refugees.

25. Both Goal 4 and the Framework for Action focus on inclusion and equity, signalling the need for increased efforts, especially aimed at reaching those who are marginalized or in vulnerable situations. Paragraph 11 of the Incheon Declaration and paragraph 26 of the Framework for Action stressed the importance of instituting measures to develop inclusive, responsive and resilient education systems to meet the needs of children, young people and adults in crisis contexts, including internally displaced persons and refugees.

*Inter-Agency Network for Education in Emergencies Minimum Standards*

26. The Inter-Agency Network for Education in Emergencies Minimum Standards for Education,[11] building on international human rights and humanitarian law, express a commitment that all individuals — children, young people and adults — have a right to education during emergencies and fragile contexts.

*New York Declaration for Refugees and Migrants*

27. The New York Declaration for Refugees and Migrants, signed in 2016 by 193 countries, emphasizes education as a critical element of the international response to the refugee crisis. In it, signatories committed to providing quality primary and secondary education to all refugee children and to supporting and promoting early childhood education, as well as tertiary education and vocational training. The signatories declare that access to quality education, including for host communities, gives fundamental protection to children and young people in displacement contexts, particularly in situations of conflict and crisis.

[10] Available at http://unesdoc.unesco.org/images/0024/002456/245656e.pdf.

[11] Available at www.unicef.org/eapro/Minimum_Standards_English_2010.pdf/.

28. The Declaration lays out a vision for a more predictable and comprehensive response to such crises, known as the comprehensive refugee response framework. It calls for greater support to refugees and the countries that host them. The Declaration, inter alia, calls for the development of a global compact on refugees to strengthen the international response to large movements of refugees and protracted refugee situations, the key objectives of which are: to ease the pressures on host countries; to enhance refugee self-reliance; to expand access to third-country solutions; and to support conditions in countries of origin for return in safety and dignity.[12] The Special Rapporteur fully supports the global compact on refugees, currently being finalized, which she considers will provide better support and assistance to refugee populations and host countries within an international framework.

## B. Member State pledges at the Leaders' Summit on the Global Refugee Crisis[13]

29. At the Leaders' Summit on the Global Refugee Crisis, held the day after the New York Declaration was adopted, 47 States committed to delivering concrete changes to help refugees thrive. Some commitments included legal and policy change, such as providing refugees with enhanced access to education, lawful employment, and to existing social services in the countries in which they live.[14]

30. Bangladesh successfully completed a census of the undocumented Rohingya population and pledged to allow informal education initiatives in order to increase access to education for that population.

31. Cameroon pledged to undertake, in cooperation with the UNHCR, to strengthen refugee access to education by establishing schools in camps and making teaching personnel available. It also pledged to undertake to continue and strengthen the access of refugees, under conditions equal to those afforded to nationals, to institutions of higher learning.

32. Canada pledged $28.3 million (Can$ 37.8 million) in multi-year funding in support of the global response of UNHCR, $14.98 million (Can$ 20 million) to the Education Cannot Wait fund, $553,000 (Can$ 739,000) through the International Development Research Centre to improve the accessibility and quality of learning for refugee and host community children and to build the capacities of teachers and educators in up to 25 schools in Jordan and Lebanon.

33. Chad pledged to assume responsibility for and improve access to secondary education for approximately 75,000 refugee children in eastern Chad over the course of the coming five years by: (a) providing sufficient textbooks to schools hosting refugees; (b) accrediting qualified refugee teachers and allowing them to teach in camp, public and private schools; and (c) increasing the number of qualified teachers in public schools with refugee students. It also pledged to facilitate refugees' access to tertiary education by encouraging universities to offer refugees the same tuition as Chadian students.

34. Czechia pledged to offer 20 scholarships for Syrian students.

35. Djibouti pledged to give all refugee children access to accredited education by: (a) committing to assess and train an adequate number of refugee teachers to teach the refugee population hosted by Djibouti; (b) working with the Government of Kenya to establish certificate equivalency for the English-language curriculum taught in

[12] See www.unhcr.org/towards-a-global-compact-on-refugees.html.

[13] Information on pledges made by States is taken from www.unhcr.org/58526bb24.

[14] www.unhcr.org/comprehensive-refugee-response-framework-crrf.html.

refugee camps in Djibouti; and (c) convening a regional refugee education meeting among refugee education technical experts to reach agreement on certificate equivalency.

36. Ethiopia pledged to increase the enrolment of refugee children — without discrimination and within available resources — from approximately 148,361 students to 212,800 students overall, including by: (a) increasing refugee preschool enrolment from 46,276 to 63,000; (b) increasing refugee primary school enrolment from 96,700 to 137,000; (c) increasing refugee secondary school enrolment from 3,785 to 10,300; and (d) increasing refugee enrolment in higher education from 1,600 to 2,500.

37. France pledged to contribute approximately $218 million (€200 million) in aid to the Syrian crisis through contributions to international organizations and NGOs and through scholarships, including $109 million (€100 million) in aid to Lebanon, half of which was earmarked for education.

38. Greece pledged to establish an education plan that enabled migrant and refugee minors to access public education in the 2016/17 school year.

39. Jordan pledged to implement the Jordan Compact, which had been announced on 4 February 2016 at the Supporting Syria and the Region conference, and in which it had committed, dependent on the level of international assistance received, to allow all children in Jordan to attend school, including an additional 50,000 Syrian refugees to attend Jordanian public schools for the 2016/17 school year.

40. Kenya pledged to undertake several self-reliance and inclusion measures for refugees in Kenya, including the implementation of the guidelines on the admission of non-citizens to basic education and training institutions in Kenya, which would facilitate the enrolment of refugees and other non-citizens in Kenyan schools.

41. Lebanon reaffirmed its continued commitment to facilitating access to public schools of displaced Syrian children of school age.

42. Pakistan extended the validity of "proof of registration" cards and, on 19 July 2016, reaffirmed the constitutional right of Afghan refugees to gain access to public schools. Provincial-level actions to broaden awareness of that right included the incorporation in Baluchistan of refugees into its provincial education plans and public statements in Khyber Pakhtunkhwa affirming refugees' right to have access to public schools. As a step towards achieving the goal of universal enrolment, Pakistan would work with the United States of America, UNHCR and other potential donors to ensure that at least 29,000 additional refugee students were able to attend school in Pakistan in the coming year.

43. Portugal pledged 100 to provide scholarships for Syrian students to study at Portuguese universities through the Global Platform for Syrian Students.

44. Rwanda pledged that, by 2018, it would integrate 35,000 refugee students in secondary schools and 18,000 in primary schools. Currently, only half of all refugee students were integrated into the national school system. The measure would eliminate the need for most parallel camp-based education structures and boost secondary school enrolment.

45. Saudi Arabia pledged to support 7,950 Syrian students studying at Saudi universities for the 2016/17 academic year, of which at least 3,000 had been or would be admitted from outside Saudi Arabia, and to permit 3,880 Yemenis to study at Saudi universities for the same academic year, many of whom had been admitted in 2015.

46. Slovakia pledged to award 30 scholarships to Syrian students to study there in 2016, and to give 520 additional government scholarships in the period 2017–2021.

47. The United Republic of Tanzania pledged to improve the quality of protection for refugees there by specifically enhancing their access to education and the domestic labour market.

48. Thailand pledged to ensure access to education for all children living in temporary shelters and aimed to provide educational opportunities to at least 28,000 children in the near future. In addition, it would enhance skills training to displaced persons from Burma, with possible income earning opportunities.

49. Turkey said it was aiming to enrol 450,000 refugee students in its public schools in the 2016/17 school year.

50. Uganda pledged to continue its settlement approach and provide access to education and legal employment for some 120,000 newly arrived refugees in 2016. Its approach included two new settlements, including access to employment, education and health care.

## V. National perspectives

51. At the end of 2014, the average length of exile in 33 protracted refugee situations was 25 years, nearly three times as long as in the early 1990s. This meant that, for a large number of refugees, education planning had to go beyond short-term emergency provision and be sustained using multi-year development plans. As indicated above, 85 per cent of all refugees are hosted in developing countries, some of which have weak education systems and limited capacity to support new populations. Moreover, refugees are often concentrated in the most educationally deprived regions of host countries, such as Iraqi and Syrian refugees in poor areas of Jordan, Syrian refugees in south-eastern regions of Turkey, and Sudanese refugees in eastern Chad. Since the mid-2000s, education for refugee children has improved in some countries but stagnated in others, with significant differences among countries. This wide divergence in access to and quality of education is due to several factors, including differences in refugees' rights to education, certification that varies according to national legislation, language differences, difficulties in dealing with large influxes of displaced people and long-lasting refugee situations. In 2015, primary-school enrolment rates averaged 80 per cent in selected refugee sites in Egypt, the Islamic Republic of Iran and Yemen but only 43 per cent in Pakistan and 56 per cent in Ethiopia. Access to secondary education was particularly limited for refugees in many countries. In Bangladesh, Kenya and Pakistan, less than 5 per cent of adolescents between 12 to 17 years of age were enrolled in secondary education. In many refugee camps, secondary education services met only a fraction of the demand. For example, in the Dadaab refugee camps in Kenya, there were 33 primary schools but only seven secondary schools, which were running at double their capacity to accommodate just 13 per cent of the adolescent population.[15]

52. At the end of 2017, Bangladesh hosted the seventh largest refugee population in the world. The number of refugees had increased from 276,200 at the beginning of the year to 932,200 at year-end, more than half of whom were under the age of 18 years.[16] Stateless persons figured highly among the refugee population, which largely comprised members of the Rohingya community. That placed refugees at a double disadvantage, with many children and young people unable to enrol in school, register for exams or receive certification.[17]

[15] See UNESCO, policy paper No. 26, "No more excuses", available at http://unesdoc.unesco.org/images/0024/002448/244847f.pdf.

[16] UNHCR, "Global Trends".

[17] UNESCO, "No More Excuses".

53. In some countries, the sheer size of the refugee population negatively impacts efforts to enrol refugee children in school. As at March 2018, Syrian refugees registered in Lebanon by UNHCR represented 20 per cent of the country's population. The massive influx of refugees has placed a significant strain on existing resources and host communities.[18] In 2014, despite the introduction of a "double shift" system whereby one set of students studies early in the morning and another in the afternoon and evening, only 50 per cent of refugee children were enrolled.[19]

54. One of the oldest and largest protracted refugee situations is that of Palestinians, which dates back to 1948. Almost five million Palestinian refugees registered with UNRWA live in Jordan, Lebanon and the Syrian Arab Republic, as well as Gaza and the West Bank. In 2015, UNRWA provided primary and lower secondary education to around half a million Palestinian children. In Gaza, more than 95 per cent of school-age children attended school in the 2015/16 academic year, but early childhood provision remains limited, except at schools in Lebanon. Moreover, most UNRWA schools operate only up to grade 9, and while students are entitled to join secondary school systems in their host countries, many have trouble making the transition.[20]

55. Cameroon, Chad, the Niger, Pakistan and South Sudan have included potential mass movements of refugees or internally displaced persons in their national education plans.[21]

56. At the national level, many countries have legislation that guarantees education for refugees. For example, immigration law in Italy (legislative decree No. 286/1998, as amended, known as the Immigration Law) provides that, with respect to, inter alia, access to mandatory school education, there is no obligation to produce residence documentation in order to enrol a child at a school. That means that even the children of illegal immigrants can be admitted to the school system.

57. In Sweden, under ordinance 2001:976, asylum-seeking children and young people essentially have the same right to education in preschool, school and after-school centres as Swedish residents. Local municipalities receive funding from the Swedish Migration Agency for the education costs of those students.

58. In New Zealand, refugees have the right to access free, publicly funded education. The Ministry of Education provides additional support, both funding and expertise, to schools that work with refugees and asylum seekers.

59. In Uzbekistan, the Constitution, the 1997 Law on Education and international treaties promote access to education for everyone. In practice, there are some difficulties in gaining access to education, such as municipal registration requirements, documentation such as passports and knowledge of the language. Scholarships and tuition waivers are also provided, although with priority given to citizens.

# VI. Refugee education: issues and challenges

## A. Primary and secondary education

60. Globally, 91 per cent of children attend primary school. For refugees, the figure, at only 61 per cent, is far lower. In low-income countries, the figure stands at less

[18] https://reliefweb.int/report/lebanon/vulnerability-assessment-syrian-refugees-lebanon-2015.
[19] UNESCO, "No More Excuses".
[20] Ibid.
[21] For information on national education plans, see www.globalpartnership.org/fr/about-us/developing-countries.

than 50 per cent. Nevertheless, progress has been made. In 2016, the proportion of refugees in primary school increased sharply on the previous year, when it had stood at 50 per cent, thanks largely to the measures that the countries that neighbour the Syrian Arab Republic took to enrol more refugee children in school and other educational programmes, and thanks also to increased refugee enrolment in European countries that are better able to expand capacity.[22]

61. As refugee children get older, however, the obstacles only increase: just 23 per cent of refugee adolescents are enrolled in secondary school, compared with 84 per cent globally. In low-income countries, where 28 per cent of the world's refugees are hosted, the percentage of refugee children enrolled in secondary education — 9 per cent — is worryingly low.[23]

## B. Tertiary education and vocational training

62. With regard to tertiary education of refugees, the situation is equally grim. While globally enrolment in tertiary education stands at 36 per cent, up 2 percentage points from the previous year, for refugees that figure remains stuck at 1 per cent, despite significant improvements in overall numbers thanks to investment in scholarships and other programmes.[24]

63. The Syrian conflict had provoked "academic displacement", with over 70,000 Syrians studying at universities in Lebanon, 15,000 in Jordan and 30,000 in Turkey, with similar numbers in Austria and Germany.[25]

64. Given the importance of access to higher education, the Special Rapporteur welcomes the protection mandate of UNHCR, including its strategic directions for the period 2017–2021, to strengthen access of refugees to higher education.

65. With regard to vocational training, the frustration and anxiety that refugee populations feel owing to a lack of meaningful activity can result in a rise in mental illness, gender-based violence and alcohol and drugs abuse. The lack of livelihood opportunities can lead to refugees becoming completely dependent on aid to meet their basic daily needs. Vocational training can be used as an outlet for refugees, allowing them to build a career so they can provide for themselves and their families.[26]

## C. Access, delivery and quality in refugee education[27]

66. Internally displaced or refugee children struggle to gain access to education regardless of where they live. Many factors limit educational opportunities for children, young people and adults affected by displacement, including language, residency barriers, poverty, child labour, early marriage and other gender-based issues. For the estimated 75 per cent of refugees and displaced young people who live outside camps and formal systems, gaining access to education can be even more difficult. While relying on informal learning centres, local NGOs and online learning can increase such access, their use has not yet been adopted or resourced at scale.

[22] UNHCR, *Left Behind*.
[23] Ibid.
[24] Ibid.
[25] www.unhcr.ch/home/what-we-do/history/higher-education-refugees/.
[26] Information taken from https://ec.europa.eu/europeaid/case-studies/vocational-training-refugees-myanmar_en.
[27] www.unhcr.org/uk/education/education.

67. Providing even basic education to children affected by crises is challenging; the sheer demand for services is overwhelming, especially in places such as Jordan and Lebanon, which have faced an influx of millions of Syrian and Iraqi refugees in recent years. Limited physical infrastructure, insufficient teachers and human capital and violence targeting schools themselves increase the acute difficulties in delivering education to refugee and displaced children and young people. In recent years, members of the global community have piloted the use of approaches like double-shift systems, radio-based curricula and virtual learning tools. Worldwide, however, schools are still overcrowded and at-risk students are still left behind.

68. When refugees and displaced students register in new education systems — be it in host countries or temporary camps — communities often struggle to maintain quality learning, assess educational aptitude and place students at the correct level of education. As students progress through such temporary education systems, with the intent of eventually transitioning either back to their home countries or to higher education opportunities, it is even more difficult for communities to evaluate the quality of learning outcomes on a consistent basis.

69. Refugees, children, young people and adults suffer from emotional repercussions that are too often ignored or treated superficially in educational programmes. The emotional repercussions prevent refugees from healing individually from their trauma — reaching the collective unconscious of an entire population — or from building their future with solidarity, trust and serenity wherever they are. Teachers, personnel working with refugees and host populations often lack the relevant training to deal with and/or cohabit with refugee populations.[28]

## D. Teachers

70. The ability of qualified and properly trained teachers to maximize the learning potential of students is particularly crucial to meet the education challenges for refugee populations. However, in crisis and post-conflict settings, teachers are often in short supply, and many are new recruits with minimal experience or education to prepare them for teaching in difficult conditions. Those with experience and qualifications may have to teach subjects outside of their knowledge areas or be unprepared to respond to the additional complexities of teaching in a crisis context, such as language barriers and the diverse psychological and physical needs of students. In addition, teachers' salaries may be low and inconsistent, and their incentives too few.

71. The Special Rapporteur recognizes the critical role that teachers should play in education planning in emergency situations. Teachers must be recruited and trained carefully, with access to well-planned and well-executed professional development in order to maximize their potential, especially in times of crisis. In particular, they require relevant knowledge and skills and should have access to strong school-based support and opportunities for collaboration to be able to respond effectively to the complex needs of learners.[29]

[28] www.martinelibertino.ch/media/martine_libertino/afrique-mombasa/Kinshasa%20dossier%20Kokolo%20complet.pdf (available in French only).

[29] www.ineesite.org/en/teachers.

## E. Curriculum choice[30]

72. Decisions concerning curriculum are relevant in emergency and protracted crisis contexts. According to UNHCR, in refugee contexts, the choice of curriculum for refugee learners is a controversial and difficult issue. Critical decisions with long-term implications for refugee children and communities and for programme design and cost revolve around the fundamental question of whether refugee children should study the curriculum of their country of origin or that of their host country.

73. Curriculum choice can be a highly politicized and emotive issue for host Governments and refugee communities, raising sensitivities about identity, culture and ties to one's country of origin. Curriculum decisions as they relate to access to examinations and certification have far-reaching implications for refugee children, including future educational and livelihood opportunities. They present significant technical and planning challenges for education providers and require strong partnerships between national authorities and refugee education partners.

74. The choice of curriculum in refugee settings usually falls into one of two categories: the traditional model of the parallel system, in which refugees gain access to education in a UNHCR or refugee community schools and follow the curriculum of the country of origin; and the mainstreaming system, where refugees are integrated into national schools and follow the host country's national curriculum. The latter model now receives support from UNHCR, which considers that the advantages of sustainable, safe access to accredited certification and services associated with national systems outweigh the benefits of using the country of origin curriculum.

75. The use of the curricula of countries of asylum provides access to accredited, supervised and accountable education services. It is generally the most sustainable and protective option in the medium to long term, ensuring safe access to examinations and certification, access to teaching and learning materials, quality assurance and improved access to national education services, including options to continue education at higher levels.

76. In March 2015, UNICEF produced a joint education needs assessment report on the situation of Syrian refugees in Jordan,[31] that indicated that one of the reasons for low formal attendance rates among Syrian children was the challenge of adjusting to the Jordanian curriculum.

## F. Bureaucracy as a barrier to refugee education[32]

77. Bureaucracy can often hamper access to secondary education. Secondary school-age children who have been forcibly displaced have been barred from education because they lack official documentation. A host country may not recognize exam certificates from elsewhere, for example, or may not allow children without birth certificates or identity papers to attend school.[33] In 2014, Syrian refugee children in Egypt without documentation were enrolled under a "temporary registration", and

---

[30] UNHCR, "Education brief 3: curriculum choices in refugee settings", available at www.unhcr.org/publications/education/560be1209/education-brief-3-curriculum-choices-refugee-settings.html.

[31] Available at https://reliefweb.int/sites/reliefweb.int/files/resources/REACH_JENA_HC_March2015_.pdf.

[32] Information in this section is taken from www.hrw.org/news/2016/12/16/lost-years-secondary-education-children-emergencies.

[33] UNHCR, "Missing out: refugee education in crisis" (September 2016), available at http://uis.unesco.org/sites/default/files/documents/missing-out-refugee-education-in-crisis_unhcr_2016-en.pdf.

families were given a grace period to provide full documentations. However, without formalized enrolment, the children could not receive score cards or certificates at the end of the academic year.[34] The need to provide proper documents and authentic academic records has been reported as an issue for Syrian refugees trying to gain access to higher education in Iraq, Jordan Lebanon and Turkey.[35]

78. The language barrier has proved to be a problem, with students in some countries having to join the appropriate grade for their age group without having the language skills to cope. Language assistance is not always available, and students end up giving up on their schooling owing to the difficulties they face.

## G. Poverty and child labour as a barrier to refugee education[36]

79. Poverty, often made worse by policies that prevent parents from finding work, can have a negative impact on access to education for many displaced children. Pressure to earn a sufficient income increases as children move higher up in the education system, and many families cannot afford secondary-school fees, uniforms, notebooks and higher transport costs, since secondary schools are often fewer and further away. Faced with increasing school costs, refugee children may leave school to help support their families, sometimes placing themselves at risk of exploitation, hazardous work environments or violence.

80. When there are few opportunities for skilled work or higher education, there is much less incentive to get a secondary education, and in some cases less than 10 per cent of refugee adolescents attend secondary schools.

81. According to UNICEF, not having the resources to pay for materials and having to work to earn money are two primary reasons for refugee children not to attend school.[37] In total, 51 per cent of the households that included children who had dropped out identified cash assistance as the primary need that would enable them to re-enrolment refugee children in formal schooling. By comparison, the other primary needs fell far behind, the next most commonly reported need being the provision of transport, at just 7 per cent of affected households.

82. Allowing refugees to work could reduce the negative impact of poverty on secondary education. Unfortunately, even in countries that have opened access to work permits for refugees, restrictions — such as quotas, geographical restrictions and permits tied to local sponsorship — often remain. Alternatives are possible. For example, in Uganda, 500,000 refugees, most of whom fled the Democratic Republic of the Congo and South Sudan to escape the conflict and violence there, are allowed to work, move freely and access public schools. Of those refugees living in rural Ugandan settlements, only 1 per cent rely completely on aid, and many operate their own businesses and even employ Ugandans. In the capital, an estimated one in five

[34] UNICEF, UNESCO, UNHCR and the Centre for Lebanese Studies, *Scaling up quality education provision for Syrian children and children in vulnerable host communities* (Amman, 2014), available at http://unesdoc.unesco.org/images/0023/002338/233895e.pdf.

[35] UNESCO and UNHCR, "Higher education and Syrian refugee students: the case of Turkey" (March 2017), available at www.unesco.org/new/fileadmin/MULTIMEDIA/FIELD/Beirut/Turkey.pdf.

[36] Information in this section taken from www.hrw.org/news/2016/12/16/lost-years-secondary-education-children-emergencies.

[37] https://reliefweb.int/sites/reliefweb.int/files/resources/REACH_JENA_HC_March2015_.pdf.

refugees employs non-family members, and roughly 40 per cent of those employed by refugees are Ugandans.[38]

## H. Barriers to the education of refugee girls

83. People who are already frequently marginalized are often the worst affected in terms of lost opportunities for schooling in refugee and forced displacement situations. Refugee girls are less likely to finish primary education, or transition into and complete secondary education.[39] They remain particularly disadvantaged in terms of access to education. For every 10 refugee boys in primary school, there are fewer than 8 refugee girls. At secondary school level, the figure is even worse, with fewer than 7 refugee girls for every 10 refugee boys.[40]

84. Crises can aggravate the hurdles girls face in gaining access to secondary school, including sexual and gender-based violence and early pregnancy and marriage. In situations of forced displacement, families may resort to marrying off girls as a coping mechanism against poverty or safety concerns.[41] Refugee girls are also often at a disadvantage because they are required to perform domestic duties, such as collecting water or fuel, taking care of younger siblings or older relatives or household chores.[42]

85. In its 2016 concluding observations on the periodic report of Turkey (CEDAW/C/TUR/CO/7), the Committee on the Elimination of Discrimination against Women expressed its concerned about the high dropout rate and underrepresentation among girls and women in vocational training and higher education, in particular in deprived rural areas and refugee communities.

86. In 2015, only 38 per cent of primary school students in the refugee camps in Kakuma, Kenya, were girls. The same year, only 40 per cent of primary school refugee students in Unity State, South Sudan, were girls. In Pakistan, child marriage and teenage pregnancy are often cited as major barriers to the continuation of education for Afghan refugee girls, particularly to the secondary level. Many girls are taken out of school as early as grade six to be married. Dropout rates for refugee girls are as high as 90 per cent.[43]

87. Yet secondary education can be life-changing for girls, with potential gains for host countries and overall development. It can reduce childhood deaths because children with higher education levels are more likely to have a healthy diet and seek medical care, and girls with secondary education are less likely to marry early.[44]

## I. Financing of education of refugees[45]

88. Even where national policy includes refugees in education systems, funding and support from the international community falls short. Education for refugee children is often considered an optional extra after the basics of food, water, shelter and

[38] K. Clements, T. Shoffner and L. Zamore, "Uganda's approach to refugee self-reliance" (May 2016), available at www.fmreview.org/sites/fmr/files/FMRdownloads/en/solutions/clements-shoffner-zamore.pdf.

[39] UNESCO, "No More Excuses".

[40] UNHCR, *Left behind*.

[41] www.hrw.org/news/2016/12/16/lost-years-secondary-education-children-emergencies.

[42] UNHCR, "Her turn: it's time to make refugee girls' education a priority", available at www.unhcr.org/herturn/.

[43] UNESCO, "No More Excuses".

[44] UNHCR, *Left behind*.

[45] www.hrw.org/news/2016/12/16/lost-years-secondary-education-children-emergencies.

medical care. Consequently, when funding is short, which is often the case, it is the first item to be dropped.[46]

89. The proportion of donor aid devoted to education is insufficient and fails to reach many children. Less than one quarter of overseas development aid is provided to developing countries, which host 85 per cent of the world's refugees. Some long-term crises are permanently underfunded, because many grants last only 12 months, and money is targeted towards the latest, most visible emergencies.

90. In addition, of the limited funds available for education, the majority goes to primary education, with secondary education coming as an afterthought despite the need for more textbooks, classrooms, equipment and highly qualified teachers. In 2015, the amount allocated by UNHCR to secondary education was just one third the amount allocated to primary education.[47] For example, in 2017 in Lebanon, the Ministry of Education and UNHCR set a target to enrol nearly 200,000 Syrian refugee children in public primary schools, but just 2,080 in public secondary schools, out of nearly 83,000 secondary-age children.[48]

91. Agencies do not necessarily have as much programming for secondary education as they do for younger children. Humanitarian actors are still playing catch-up when it comes to secondary education.[49] Education needs to be woven into planning and funding for refugee emergencies at the national and international levels by donors, aid agencies and international organizations and included systematically by Governments in national development and education sector planning and budgeting.

# VII. Best practices and innovative solutions

## A. Best practices

92. To help refugees make up for the many years of schooling they miss, more flexible forms of education are essential, such as accelerated education, catch-up, bridging programmes and alternative or innovative forms of education. Accelerated education involves a condensed curriculum that students can complete in half the number of years normally required, or less. Students sit accredited examinations that allow them to be integrated into mainstream education — in the right class for their age — and either transfer to the next level or move on to skills-based technical and vocational education. Catch-up and bridging programmes help students learn content they missed or give them the knowledge and skills they need to adapt to a different system, such as the acquisition of a new language. The implementation of such practices, as well as smaller-scale best practices, related for example to curriculum choice and vocational training, demonstrate country engagement in ensuring improved access to and/or quality of education received by and for refugees.[50]

93. It is also essential to improve the relevance of education for refugees by helping them to free themselves from the emotional after-effects they suffer. Education for Peace programmes, such as those offered by the Duchamps-Libertino Association in the Democratic Republic of the Congo, offer tools that have been proven for more

[46] https://reliefweb.int/sites/reliefweb.int/files/resources/Promising_Practices_in_Refugee_Education.pdf.

[47] UNHCR, "Missing out".

[48] www.hrw.org/news/2016/12/16/lost-years-secondary-education-children-emergencies.

[49] Ibid.

[50] Information in this section is taken from UNHCR, *Left behind*.

than 30 years. Those approaches can also promote peace between refugees and host populations.

94. Many refugee teachers receive their training and experience in camps, delivered by NGOs or United Nations agencies, but when they return home, their training is rarely recognized by their home State. Refugees who qualify as teachers under a host country system may also find that their home country does not recognize their qualifications on their return. An exception to the persistent challenges was the International Rescue Committee refugee education programme that ran in Guinea from 1990 to 2007, which emphasized the training and regional certification of teachers. The credentials teachers gained were recognized in Sierra Leone and Liberia on their return there, which had a long-term impact on their livelihoods, two thirds of whom were employed as teachers on return, often at their old schools.[51]

**Curriculum choice**[52]

95. Curriculum choice is one of the factors that influence the quality of education for refugees. According to UNHCR, transition from the traditional approach of a parallel educational system based on the curriculum of the country of origin to an inclusive and mainstreaming approach based on the host country's curriculum can be challenging as it can be perceived as a threat to the language, history and identity of the refugee children and communities. Consensus on the decision to transition to the host country's curriculum must be built with national education authorities and other education actors, and key technical components of curricular transition need to be considered and addressed.

96. An example of the best practice in this regard is the mainstreaming refugee education system for Sudanese refugee children and young people in 12 refugee camps in eastern Chad. The unrest in the neighbouring Darfur region of the Sudan created hundreds of thousands of Sudanese refugees. When the camps were established in 2002, it was considered the best approach to use the Sudanese curriculum. However, under that curriculum, refugee teachers did not have access to qualified teacher training, materials were expensive and difficult to procure and access to examinations was problematic, leading to many protection and financial concerns. In addition, it was not possible for the schools in the camps to have access to development funding for education or benefit from the deployment of qualified teachers, training or the distribution of materials by the Chadian Ministry of Education. The lack of quality control and proper oversight of education delivered in the camps resulted in a parallel education system offering questionable quality education that was effectively isolated from the services and resources available in Chad. After the implementation of the mainstreaming refugee education system in 2014, UNHCR and its partners continued to work with the refugee community to manage expectations and ensure that education standards were met, and the curriculum transition was successfully carried out with programmes running smoothly. Despite continued and significant growth in the school age refugee population, enrolment rates actually increased, from 25 per cent in 2006 to 55 per cent in 2014. This was due not only to the curriculum transition, but also to other initiatives set up to try to lower the barriers refugee children faced, such as adequate training of refugee teachers and certification of refugee students' attainments.[53] In April 2017, the Government of Chad entered into an agreement[54] to engage refugee teachers in the Arabic-speaking region of Chad as national teachers. In addition, in

[51] www.heart-resources.org/wp-content/uploads/2016/04/Topic-Guide-on-Education-for-Refugees-and-IDPs-in-Low-and-Middle-Income-Countries.pdf.

[52] Information in this section taken mainly from UNHCR, "Education brief 3".

[53] UNESCO, "No More Excuses".

[54] https://data2.unhcr.org/ar/documents/download/56470 (available in French only).

April 2018, the Government issued an official decree registering 21 schools in refugee camps as State schools.

97. Since 2011, the Government of Burkina Faso has taken a compromise approach towards Malian refugees by applying the Burkina Faso national curriculum for refugee students but also by integrating what it considered to be the crucial elements of the Malian curriculum and hiring teachers that were familiar with the language and culture of Mali. Literacy and early childhood programmes linked to income workshops for women refugees were also put in place. Those actions allowed for a higher-quality education that took into account the specific needs and constraints of the Malian refugee population. In addition, equivalency agreements as well as linguistic coherence in curricula across the Economic Community of Western African States facilitate such arrangements.

**Vocational training**

98. Examples of best practices can be found in the area of vocational training for refugees. The Swiss Agency for Development and Cooperation "skills for life" pilot project teaches vocational skills to refugees and residents of Kakuma, Kenya, to enable them to work and earn a living. More than 580 young people were trained in phase one of the project, which was launched in 2013. Phase two of the project began in summer 2016.

99. The UNRWA technical and vocational education and training reform programme, delivered in its vocational training centres in Gaza, Jordan, Lebanon, the Syrian Arab Republic and the West Bank, aims to provide knowledge and skills to help raise productivity and increase personal incomes of young Palestine refugees, thereby leading to an overall rise in living standards and stronger, more competitive economies.[55] The programme focuses on six priorities: governance, quality assurance, access, sustainability, training approaches and career guidance and placement, and courses place greater emphasis on the development of entrepreneurial skills so as to improve employability of young Palestine refugees.[56]

100. In Hay el Gharbé, Lebanon, the Tahaddi education centre, set up in 2010 by the Lebanese non-governmental organization of the same name, provides preschool and primary education in line with the objectives of the standard national curriculum and tailored to the particular social circumstances of its students. Since 2012, the centre has welcomed Syrian refugee children, who receive support from speech and rehabilitation therapists and psychologists. As part of Tahaddi's larger-scale programme covering the socioeducational needs of families, including literacy and vocational skills development for adults, there is a sewing workshop for women, who share equally the money made from selling their products.[57]

101. Initiatives such as those mentioned above could serve as models for programmes serving other refugee situations around the world.

**Regional/subregional agreements**

102. On 14 December 2017, the eight countries of the Intergovernmental Authority on Development (IGAD), namely, Djibouti, Eritrea, Ethiopia, Kenya, Somalia, South

[55] www.unrwa.org/sites/default/files/201208024264.pdf.

[56] Ibid.

[57] Information in this paragraph taken from www.eda.admin.ch/deza/en/home/themes-sdc/basic-education-vocational-training/formation-professionnelle--developper-de-nouvelles-competences-.html/content/dezaprojects/SDC/en/2012/7F08099/phase2?oldPagePath=/content/deza/en/home/themen/grund-_und_berufsbildung/formation-professionnelle--developper-de-nouvelles-competences-.html.

Sudan, the Sudan and Uganda, signed the Djibouti Declaration on refugee education in IGAD Member States.[58] The theme of the Declaration was "Regional Quality Education Standards and Inclusion into National Systems for refugee children in line with the Comprehensive Refugee Response Framework, Goal 4 of the Sustainable Development Goals and Agenda 2063 of the African Union". By adopting the Declaration, the States members of IGAD recognized the important role that education plays in maintaining stability and attaining sustainable development.

103. Similarly, in April 2018, participants of the 2018 Pan-African High-level Conference on Education adopted the Nairobi Declaration and Call for Action on Education,[59] in which States members of the African Union and other stakeholders recognized the importance of access to quality education and training on the African continent. Signatories to the Declaration committed to making African education systems more responsive, flexible and resilient, by including refugees and internally displaced people and by increasing investment for education in emergencies and crises.

## B. Innovative solutions

104. One of the difficulties in educating the large and diverse population found in refugee camps using traditional tools lies in addressing language barriers, illiteracy and the high drop-out rate found throughout the camp. The absence of the necessary infrastructure, materials and qualified teachers makes the task even more difficult. This is where information and communications technology (ICT) can play a role: the use of mobile telephones, e-books, computers and portable devices has allowed young people to obtain a quality education in a safe and secure environment, taking part in eLearning programmes that can be adjusted to the needs of the individual student.[60]

105. The innovative use of ICT was part of the UNHCR Education Strategy 2012–2016.[61] Increasing access to information and communication technology through, inter alia, computer use, classroom broadcasts, e-books and the use of mobile telephones for educational purposes was a high priority of the Strategy, which also aimed to broaden the use of technology in refugee education, in both camp and urban settings, and to enable refugees to develop skills that were relevant for living in today's increasingly technological society.

106. Along those lines, an innovative initiative called "Instant Network Schools" brings online education and connectivity into selected refugee camp schools. Through the initiative, the schools and community centres are equipped with a "digital box" that includes a set of computer tablets, solar-powered batteries, a satellite or mobile network and a suite of content and online learning material. Teachers receive ICT support and ongoing training. Since the initial pilot in Dadaab, Kenya, in 2014, the programme has been implemented in 31 centres in the Democratic Republic of the Congo, Kenya, South Sudan and the United Republic of Tanzania.[62]

107. In the Democratic Republic of the Congo, the Duchamps-Libertino Association developed a programme that allows children, adolescents, orphans and street children

[58] Available at https://igad.int/attachments/article/1725/Djibouti%20Declaration%20on%20Refugee%20Education.pdf.

[59] Available at www.unesco.org/new/fileadmin/MULTIMEDIA/FIELD/Nairobi/nairobideclarationenwebsite.pdf.

[60] http://ela-newsportal.com/education-in-refugee-camps/.

[61] Available at www.unhcr.org/protection/operations/5149ba349/unhcr-education-strategy-2012-2016.html.

[62] www.unhcr.org/news/stories/2017/3/58c283da4/innovation-transforms-education-refugee-students-africa.html.

in Camp Kokolo — in which 40,000 persons, including 28,000 children, live in a context of violence and insecurity — to regain their dignity and spiritual autonomy, to achieve material autonomy. The programme is based on teaching peace through self-knowledge and the suppression of emotional consequences. Children and adolescents are introduced to philosophy, and the overall goal is to love oneself, other people and life, for the development of individual, collective, spiritual and material wealth and a lasting peace. The programme led to some 700 Protestant schools in the country abandoning corporal punishment, and allowed more than 15 million young people to advocate for peace in the country rather than carrying out violent protests in the streets at the risk of their lives.

108. In the Kyangwali refugee settlement in Uganda, the COBURWAS [63] International Youth Organization to Transform Africa has launched an initiative to help girls to complete primary school and enter secondary school. Realizing that girls aged 10 years and above were most at risk of dropping out of school and marrying early, the organization set up a hostel for about 50 girls, with the purpose of giving them an environment where they could study.[64]

109. In Western Ghana, the Varkey Foundation Teach to Reach Remote Classrooms Project, a pilot project recently trialled at the Ampain Refugee Camp in Western Ghana, is a satellite enabled live two-way interactive distance learning programme for children living in a refugee camp. Each classroom in the school is equipped with a projector and a low-cost durable computer to receive lessons via a solar-powered satellite link. Since April, the foundation has been running interactive distance lessons from qualified teachers based at its studio in Accra to support the children in the camp with their learning.[65]

110. According to the Varkey Foundation, the goal of the Project is to prove that the concept works in an emergency situation to increase children's school attendance and build opportunities for teachers and community members that have a direct impact on learning for pupils.[66]

111. At the global level, it is important to reiterate the work of the Inter-Agency Network for Education in Emergencies in its Minimum Standards for Education, which aim to mobilize knowledge on education in emergency settings and develop innovative strategies to professionalize and build capacities in the field in a manner that has a clear and positive impact at country level.

# VIII. Conclusions and recommendations

## A. Conclusions

112. **More often than not, refugee situations last for decades. In 2016, only 552,200 refugees returned to their countries of origin and only 189,300 were resettled.[67] Given that, refugee education should not be considered from a short-term perspective; instead, medium- to long-term practical solutions should be considered that would allow the peaceful and sustainable development of host**

[63] A group started in 2005 by four refugee boys from Burundi, the Congo, Rwanda and the Sudan (named COBURWAS as an abbreviation of those countries) who wanted to help children living in the Kyangwali camp go to school.

[64] www.reuters.com/article/us-africa-refugees-education-girls/african-refugees-help-girls-learn-to-avoid-abuse-early-marriage-idUSKBN1F01IR.

[65] www.cio.com/article/3202694/education/how-technology-is-helping-education-reach-refugee-children.html.

[66] Ibid.

[67] UNHCR, *Left behind*.

countries and, further down the road, the possibility of rebuilding conflict-stricken countries with educated and skilled returning populations.

113. Providing children, young people and adults with uninterrupted education throughout their lives as refugees is a crucial step to the peaceful and sustainable development of the places that have welcomed them and to the future prosperity of their countries of origin.[68] During crises, education can provide children with life-saving survival skills and can protect them from violence, exploitation, criminal activity and disease. In the long term, it can break the cycle of conflict, promote peace and reconciliation, teach tolerance and conflict resolution and help to build a better future for children and young people.[69]

114. Education must be an integral part of the emergency response to a refugee crisis.[70] Ensuring inclusive quality basic education for refugees is a clear responsibility for States, under international treaties. That commitment has been renewed under Goal 4 of the Sustainable Development Goals and the Education 2030 Framework for Action, as well as in the 2016 New York Declaration for Refugees and Migrants. The most sustainable way to do this is to ensure that refugees are included systematically in national development plans, education plans and budget and monitoring systems.

115. It should also be highlighted that developing countries bear the brunt of the global refugee crisis, and in fleeing conflict and crisis in their home countries, refugees often end up in places where resources are already stretched.

116. With the above perspective in mind, the Special Rapporteur would like to propose the recommendations below as a baseline to accompany States and other stakeholders in their efforts to ensure inclusive quality education for refugees in line with Goal 4.

## B. Recommendations

### Legislation and national strategies

117. States must include potential mass movements of refugees in their national plans and strategies and should ensure that the rights of forcibly displaced people are enshrined in national laws and policies. In particular, refugee children, young people and adults must be included in national education systems, multi-year education sector plans and budgets and monitoring frameworks.

118. It is crucial to involve refugees in the processes of planning, choosing, budgeting for, evaluating and capitalizing on their own educations.

119. Flexible forms of education, such as accelerated education, non-formal education/alternative education, catch-ups, bridging programmes and intensive language support where needed, should be integrated into education plans in order to meet the specific needs of refugee students. This will facilitate their efforts to bridge the gap of missed years of schooling or to acquire the skills and knowledge needed to adapt to the host country's mainstream education system.

[68] UNHCR, *Left behind*.
[69] www.ineesite.org/en/advocacy.
[70] UNHCR, *Left behind*.

**Curriculum choice**

120. **Refugee education should be mainstreamed into the national curriculum of host countries. Investing in local school systems to support refugee inclusion has the dual benefit of providing refugee children and young people with sustainable access to certified education while also improving the learning environment and strengthening education quality for host community children. Support may be required to help refugee students adapt to the local curriculum, including language training where needed. Furthermore, each refugee situation should be properly evaluated, giving due consideration to the specific needs and concerns of the refugee population in question in order to integrate, where appropriate and with refugee community support, aspects of the country of origin curriculum into refugee education programmes.**

**ICT use in refugee education**

121. **The potential use of the Internet and ICT to make up gaps in access to education should be further considered using current case studies to evaluate the advantages and possible challenges unique to each situation.**

**Addressing barriers to refugee education**

122. **States should take the actions necessary to ensure that refugee families are properly integrated into the community, including through the provision of work permits to allow refugee families to overcome poverty.**

123. **States are urged to show reasonable flexibility in applying administrative requirements on a case-by-case basis in order to take into account the realities on the ground when it comes to refugee populations obtaining the required documents, such as school certificates, that may remain in their countries of origin.**

124. **Special attention should be paid to ensuring that refugee girls have access to and are not prevented from attending school at all levels. This may include the elaboration, in collaboration with civil society and other stakeholders as appropriate, of special programmes and projects to eliminate obstacles to education of the refugee girl child.**

125. **To the extent possible, education plans and educational institutions should anticipate and address the cultural and linguistic differences of students from refugee populations on the State's territory, including the development of language assistance programmes for refugees, particularly those who require such assistance in order to integrate into the education system.**

**Financial support**

126. **Donors, aid agencies and international organizations must plan for and adequately finance the inclusion of refugees in education in a manner that takes full account of their right to education.**

127. **Efforts should be made to ensure stable and consistent sources of financial support for refugee education. In that respect, additional and possibly atypical donor sources, such as community mobilization, foundations and clubs, could be considered to make up for the inevitable deflection of resources to more visible refugee crisis situations.**

**Data collection**

128. **In the context of integration of refugees in national plans, data collection processes linked with refugees should include data disaggregated by sex and psychological support aspects, in order to make informed decisions on the elaboration of appropriate refugee response programmes. Furthermore, data collection should integrate an inclusive dimension to cater to those refugee populations with specific needs, such persons with disabilities.**

129. **States should ensure that refugee children and young people are included in national education systems. This includes by ensuring that local schools allow children at the appropriate ages to enrol directly into the national schools and by providing language support if needed. The capacity needs of national schools to take on board refugee populations should be identified, including school infrastructure, equipment, language support, teacher training and safety.**

**Teachers**

130. **States should take the measures necessary to ensure a sufficient number of trained and motivated teachers is available. In that regard, teachers should receive appropriate training to allow them to gain the knowledge and skills to respond effectively to the complex needs of learners in crisis contexts. Sufficient incentives, in particular adequate salaries and psychological support where appropriate, should be put in place to attract qualified teachers.**

131. **Appropriate measures should also be taken to support the mental health and well-being of teachers in crisis contexts so that they in turn are able to better support their students.**

**Peace education**

132. **Learners in the context of refugee populations suffer from emotional scars too often ignored or addressed only superficially in educational programmes. Those scars prevent them from healing individually from their trauma and from building their future with solidarity, trust and serenity wherever they are. It is therefore essential that appropriate measures be taken by States to integrate a psychosocial dimension, as well as values of peace, spirituality, self-confidence, tolerance and inclusion into the pedagogical core. Specific measures must be implemented to take into account the holistic vision of education — including administrative procedures, health, environmental, security and work opportunities — in the context of Sustainable Development.**

133. **It is also imperative that States develop mechanisms for conflict prevention and early warning, as well as conflict management.**